The Journal of the Assembly

OF THE

SIXTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1997

BEGUN ON MONDAY, THE TWENTIETH DAY OF JANUARY, AND ENDED ON MONDAY, THE SEVENTH DAY OF JULY

VOLUME 1

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

SEE VOLUME 2 FOR INDEX

SPO, Carson City, Nevada, 1998

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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 106 days, though the session lasted through 169 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	January 20, 1997	1
3	January 22, 1997	48
4	January 23, 1997	50
8	January 27, 1997	63
10	January 29, 1997	79
11	January 30, 1997	86
15	February 3, 1997	89
17	February 5, 1997	105
18	February 6, 1997	110
22	February 10, 1997	118
24	February 12, 1997	125
25	February 13, 1997	131
30	February 18, 1997	137
31	February 19, 1997	147
32	February 20, 1997	160
36	February 24, 1997	172
38	February 26, 1997	176
39	February 27, 1997	182
43	March 3, 1997	187
45	March 5, 1997	194
46	March 6, 1997	218
50	March 10, 1997	231
52	March 12, 1997	237
53	March 13, 1997	248
57	March 17, 1997	256
59	March 19, 1997	263
60	March 20, 1997	274
64	March 24, 1997	281
65	March 25, 1997	288
66	March 26, 1997	303
67	March 27, 1997	315
71	March 31, 1997	325
72	April 1, 1997	339
73	April 2, 1997	360
74	April 3, 1997	371
78	April 7, 1997	383
79	April 8, 1997	393
80	April 9, 1997	414
81	April 10, 1997	429
85	April 14, 1997	439
86	April 15, 1997	445
87	April 16, 1997	465
88	April 17, 1997	480
89	April 18, 1997	493
92	April 21, 1997	498
93	April 22, 1997	508

Calendar Day	*Date*	*Page Number*
94	April 23, 1997	518
95	April 24, 1997	532
96	April 25, 1997	547
99	April 28, 1997	564
100	April 29, 1997	570
101	April 30, 1997	581
102	May 1, 1997	606
103	May 2, 1997	613
106	May 5, 1997	625
107	May 6, 1997	632
108	May 7, 1997	639
109	May 8, 1997	651
110	May 9, 1997	664
113	May 12, 1997	679
114	May 13, 1997	698
115	May 14, 1997	718
116	May 15, 1997	742
117	May 16, 1997	757
120	May 19, 1997	775
121	May 20, 1997	783
122	May 21, 1997	805
123	May 22, 1997	813
124	May 23, 1997	826
127	May 26, 1997	838
128	May 27, 1997	848
129	May 28, 1997	878
130	May 29, 1997	938
131	May 30, 1997	954
134	June 2, 1997	974
135	June 3, 1997	987
136	June 4, 1997	1041
137	June 5, 1997	1060
138	June 6, 1997	1096
139	June 7, 1997	1112
141	June 9, 1997	1125
142	June 10, 1997	1135
143	June 11, 1997	1159
144	June 12, 1997	1168
145	June 13, 1997	1194
148	June 16, 1997	1237
149	June 17, 1997	1278
150	June 18, 1997	1322
151	June 19, 1997	1353
152	June 20, 1997	1379
153	June 21, 1997	1411
155	June 23, 1997	1458
156	June 24, 1997	1523
157	June 25, 1997	1591
158	June 26, 1997	1649
159	June 27, 1997	1712
160	June 28, 1997	1770
161	June 29, 1997	1800

Calendar Day	*Date*	*Page Number*
162	June 30, 1997	1833
163	July 1, 1997	1927
164	July 2, 1997	1973
165	July 3, 1997	2230
166	July 4, 1997	2274
167	July 5, 1997	2300
168	July 6, 1997	2494
169	July 7, 1997	2668

LISTING OF ASSEMBLY BILLS AND ACTION THEREON

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

No. *Summary, Introducer and Page Reference*

1 ....Revises provisions governing appeals from final judgments in actions for age discrimination in employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom. 36, 89, 187, 213, 226, 227,* 547, 579.

2 ....Makes various changes concerning tort actions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 36.

3 ....Urges department of transportation to cooperate with other entities to determine feasibility of constructing sound barrier alongside certain portion of U.S. Highway No. 515 in Henderson. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Segerblom. 36, 1797, 1811, 1812, 1932, 1934,* 2310, 2708.

4 ....Revises provisions relating to sample ballots. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Close. 37, 135, 142, 169,* 518, 568, 1579.

5 ....Requires disclosure of name of person or organization which requested or paid for persuasive poll under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics (on behalf of Giunchigliani). 37, 570, 590, 614,* 2310, 2708.

6 ....Requires attendance in kindergarten for children of certain age. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani. 37, 383, 395, 408, 1687, 1726, 1746, 1762, 1763,* 2678.

7 ....Authorizes private enforcement of laws relating to parking for handicapped persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Manendo. 37, 110, 121, 128,* 547, 562, 579.

8 ....Allows director or manager of bank to hold required shares in revocable trust. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval. 38, 160, 174, 180,* 518, 568, 1705.

9 ....Increases mandatory minimum penalty for abuse of older person and makes various changes concerning reports of such abuse. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Manendo. 38, 383, 397, 431,* 633, 662.

10 ....Requires immediate disclosure on weekly list of bill draft requests of name of legislator who requests preparation of legislative measure. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Von Tobel. 38.

11 ....Requires certain medical facilities that provide care for elderly persons to file surety bond with aging services division of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 38, 1033, 1071, 1103, 1142, 1170, 1276, 1282, 1283, 1285, 1297, 1317,* 2193, 2203, 2431.

12 ....Authorizes commissioners of Western Interstate Commission for Higher Education from State of Nevada to require certain students to perform community service as term of receiving support fee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 38, 360, 375, 376, 1353, 1422, 1434, 1488,* 1710, 1865.

13 ....Makes various changes related to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 39, 1167, 1220, 1282, 1317,* 1773, 1860, 1861, 1911, 2353, 2526.

14 ....Authorizes counties and cities to adopt ordinances that exempt certain land developers from limits on residential density applicable to land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 39, 187, 195, 2507.

15 ....Exempts certain persons who operate bicycles while on duty from complying with provisions relating to operation of bicycles under certain circumstances. Fiscal Note: Effect on Local Government: No.

No. *Summary, Introducer and Page Reference*

Effect on the State or on Industrial Insurance: No. Buckley. 39, 118, 127, 142,* 143, 340, 358, 384, 477, 481, 1864, 1889, 2431.

16 ....Provides exemption for obligors from submission of operating history before issuance of certain bonds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 40.

17 ....Authorizes counties and cities to use proceeds from real property transfer tax for development of affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 40, 137, 157, 170,* 2310, 2340, 2708.

18 ....Expands area around polling place where electioneering and solicitation of votes is prohibited. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics (on behalf of Giunchigliani). 40, 195, 220, 232, 233,* 547, 579, 1263.

19 ....Revises provisions governing civil actions by persons who sustain damages while committing unlawful acts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval. 40, 110, 121, 128,* 195, 245.

20 ....Requires creation of special account in county general fund to pay certain attorneys who defend indigent persons in capital cases. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval. 40.

21 ....Authorizes city attorney and district attorney to defend person in certain actions commenced in court located outside county in which they hold office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 41.

22 ....Increases maximum number of hours of community service person may be required to perform. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval. 41, 118, 128, 143,* 340, 381, 423.

23 ....Revises provisions relating to residency requirements for public officers and candidates for public office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics (on behalf of Giunchigliani). 41, 110, 121, 129*.

24 ....Requires each policy of health insurance to authorize female insured and her infant to remain in medical facility for minimum number of hours after parturition. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman. 41, 742, 768, 801,* 802.

25 ....Requires certain entities that provide health care services through managed care to provide coverage for certain emergency medical services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 42.

26 ....Prohibits certain insurers from requiring insured to obtain prior authorization for certain covered health care services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 42, 838, 851, 950,* 1935, 1957, 2431.

27 ....Prohibits certain entities that issue policies of health insurance which provide health care services through managed care from engaging in certain practices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 42.

28 ....Requires complaint system established by health maintenance organization to include certain procedures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 42.

29 ....Establishes procedure that authorizes qualified patient to choose not to be resuscitated in event of cardiac or respiratory arrest. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Segerblom. 43, 325, 342, 373, 390, 409, 486, 487, 489,* 699, 753, 754, 814, 824, 971, 972, 975, 1067.

30 ....Requires dissemination of certain information regarding health care plans. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 43, 1069, 1087, 1091, 1634, 1658, 1710, 1729, 1746, 1763,* 1885, 2167.

31 ....Provides in skeleton form for creation of office to regulate managed care organizations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 43.

32 ....Provides for issuance of special license plates indicating affiliation with Grand Lodge of Free and Accepted Masons of State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Dini and Marvel. 43, 326, 345, 374,* 718, 754, 802, 1137, 1443, 1444, 1475, 1823, 1824, 2524.

No. *Summary, Introducer and Page Reference*

33 ....Makes appropriations to Great Basin College for equipment and landscaping and to Western Nevada Community College for completion of construction of its Douglas Center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 48, 1965, 1975, 1986, 2170, 2171,* 2678.

34 ....Eliminates certain fees charged by courts and county clerks for services related to administration of small estates. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Carpenter. 51, 172, 179, 185, 190, 214, 215,* 633, 662, 908, 933.

35 ....Increases number of district judges in third judicial district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Dini and de Braga. 51, 110, 111, 639, 654, 681,* 2228, 2431.

36 ....Makes various changes to provisions governing system for verifying proof of financial responsibility of owners of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter, Sandoval, Neighbors, de Braga, Lambert, Anderson, Dini, Amodei, Marvel, Humke, Segerblom, Giunchigliani, Hickey, Collins and Tiffany. 51, 606, 617, 633, 783, 809, 832, 833,* 1589, 1735, 1865.

37 ....Urges department of transportation to continue construction of sound barriers alongside certain portion of U.S. Highway No. 95 in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Bache. 51, 1133, 1148.

38 ....Revises provisions regarding records of employment. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Bache. 51, 879, 942, 983,* 1589, 1737.

39 ....Requires court to order child or parent or guardian of child to provide restitution for property damaged by child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Herrera, Perkins, Anderson, Goldwater, Arberry, Williams, Amodei, Giunchigliani, Price, Collins, Parks, Koivisto, Lee, Ohrenschall, Sandoval, Carpenter, Buckley, Nolan, Chowning, Freeman, Evans, Manendo, Mortenson, Segerblom and Bache. 52, 195, 222, 232, 257, 261,* 384, 427, 711, 1009, 1022, 1361, 1515, 1518, 1521, 1678, 1840, 1844, 1847, 1851, 2627, 2630, 2633, 2636.

40 ....Requires candidates for public or judicial office and public and judicial officers to file amended statements of financial disclosure under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 52, 110, 121, 129, 135, 143, 144*.

41 ....Revises provisions governing committee on benefits. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 52.

42 ....Prohibits certain deed restrictions which prohibit displaying flags or political signs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 52.

43 ....Creates trust fund for extraordinary maintenance, repair or improvement of capital projects of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 53.

44 ....Expands scope of mandatory bargaining for teachers and certain persons employed by school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 53, 195.

45 ....Expands scope of mandatory bargaining applicable to local government employer to include transfer and reassignment of employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 53, 187, 213, 227*.

46 ....Makes appropriation for Nevada's proportional matching funding for grants for flood damage made through Federal Emergency Management Agency Individual and Family Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 53, 63, 64, 65,* 86, 103.

47 ....Makes various changes relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 66, 813, 828, 830, 834, 1142, 1171, 1219, 1245,* 1497, 1649, 1767.

48 ....Makes various changes to provisions relating to wild horses and burros. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 66, 371, 385, 425, 609.

49 ....Provides for administrative fines and recovery of certain costs for violation of provisions governing interstate quarantine of agricultural commodities. Fiscal Note: Effect on Local Government: No. Effect

No. *Summary, Introducer and Page Reference*

on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 66, 326, 345, 394, 407, 431,* 571, 612.

50 ....Prohibits certain acts within state parks. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 67, 326, 346, 374, 390.

51 ....Provides for administrative fines and recovery of certain costs for violation of certain statutes or regulations governing nurseries and nursery stock. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 67, 326, 347, 374,* 571, 612.

52 ....Provides for administrative fines and recovery of certain costs for violation of certain statutes or regulations governing weights and measures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 67, 326, 348, 374,* 571, 612.

53 ....Designates commission for preservation of wild horses as appropriate wildlife agency of this state to consult with Secretary of the Interior for certain purposes relating to wild horses and burros. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 67.

54 ....Revises provisions governing requirements for issuance of hunting license and suspension or revocation of certain licenses, permits and privileges by board of wildlife commissioners and division of wildlife of state department of conservation and natural resources. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 67, 813, 830, 870,* 1432, 1648, 1649, 1737.

55 ....Repeals prospective expiration of provisions relating to office of financial management, training and controls. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 68, 446, 468, 487,* 1370, 1494.

56 ....Revises provisions governing payment for overtime in classified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 68.

57 ....Makes appropriation to legislative fund for completion of addition to legislative building. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 68, 86, 102, 109,* 147, 175.

58 ....Revises provisions governing compensation payable to certain victims of crime for loss of earnings or support. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 68, 393, 418, 431,* 432, 633, 662.

59 ....Increases benefit for surviving spouse of district judge or justice of supreme court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 69.

60 ....Makes various changes relating to unlawful housing practices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 69, 194, 223, 233,* 384, 427.

61 ....Makes various changes concerning oral examination given to person who applies for position in classified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 69, 360, 376, 390, 409,* 1637, 1737.

62 ....Revises certain provisions regarding unpaid family and medical leave for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 69, 339, 365, 374,* 375, 1370, 1494.

63 ....Provides compensation for retired member of committee for deferred compensation for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 70, 106, 115, 122,* 281, 312.

64 ....Makes uniform in all counties certain provisions governing contracts for purchases by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 70.

65 ....Makes various changes concerning payment of travel expenses to county employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 70, 137, 157, 169, 497, 501, 502,* 1885, 2167.

66 ....Makes various changes regarding committee to approve schedules for retention and disposition of official state records. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on

No. *Summary, Introducer and Page Reference*

Industrial Insurance: Yes. Committee on Government Affairs. 70, 110, 121, 129,* 547, 603, 604, 639, 640, 1586, 1637, 2411.

67 ....Increases certain fees charged by sheriffs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 70, 513, 520, 521, 632, 644, 667,* 1773, 1911.

68 ....Revises qualifications for certain appointive city offices and positions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 71, 187, 195, 316, 322, 335,* 955, 1012, 1715.

69 ....Makes various changes to charter of City of North Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 71, 187, 213, 233,* 1531, 1573, 1574, 1707.

70 ....Authorizes certain counties to organize urban taxing districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 71, 1530, 1590, 1593, 1928, 1929, 2170, 2171*.

71 ....Revises definition of "utility facility" for purposes of Utility Environmental Protection Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 72, 339, 365, 390, 409,* 1370, 1494.

72 ....Requires division of environmental protection of state department of conservation and natural resources to review applications for permits to construct utility facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 72, 106, 115, 122, 129, 135, 144,* 249, 272.

73 ....Revises provisions governing filing and approval of certain contracts for services of independent contractor relating to remodeling or maintenance of state buildings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 72.

74 ....Authorizes counties and cities to convey certain property to nonprofit organizations for development of affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 72, 195, 223, 233,* 2193, 2203, 2204, 2431.

75 ....Revises provisions governing zoning restrictions on manufactured homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 72.

76 ....Prohibits local government in certain counties from adopting ordinance relating to zoning that prohibits or restricts residential developments based on certain characteristics of occupants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 73, 878, 943, 983*.

77 ....Provides for certification of organic agricultural products. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Dini, Neighbors, Carpenter, de Braga, Marvel and Hettrick. 73, 231, 232, 263, 304, 317, 323, 571, 603, 614,* 2228, 2431.

78 ....Expands amount of money that juror may donate to agency that provides protective services for children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 73, 131, 142, 158,* 249, 272.

79 ....Requires disclosure of content of report of presentence investigation to certain governmental entities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 73, 195, 224, 233, 257, 261,* 384, 427.

80 ....Authorizes magistrate to order party requesting continuance of preliminary examination to pay fees and costs for witnesses under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 74, 256, 267, 286,* 633, 662.

81 ....Provides that investigating officer may not be excluded from criminal proceeding. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 74.

82 ....Authorizes state treasurer to appoint and employ certain deputies and assistants, and attorney general to appoint and employ administrative assistant. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 74, 137, 145, 664, 683, 694, 1531, 1639,* 2441, 2473, 2474.

No. *Summary, Introducer and Page Reference*

83 ....Revises provisions governing smoking in public places where services are provided to children. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 74, 1432, 1502, 1538, 1539, 1568.

84 ....Revises provisions governing aid to certain victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 75, 256, 267, 269, 498, 515, 524,* 1296, 1512, 1513, 1649.

85 ....Authorizes issuance of administrative subpoenas during criminal investigations of crimes related to racketeering and money laundering. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 75.

86 ....Makes various changes to provisions governing authority of juvenile courts over persons who violate probation or parole. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 75, 303, 318, 323.

87 ....Authorizes collection of certain fees in municipal courts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 75, 371, 386, 426,* 633, 662.

88 ....Authorizes collection of certain fees in municipal and justices' courts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 76.

89 ....Revises provision governing appointment of deputy clerk for justice's court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 76, 125, 134, 144,* 249, 272.

90 ....Makes certain provisions governing classified service applicable to certain agents of state gaming control board for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 76.

91 ....Establishes within department of prisons position of administrator of programs for treatment of offenders who abuse alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 76, 445, 468, 469.

92 ....Increases excise tax on liquor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 77, 383, 399.

93 ....Requires courts to place certain criminal offenders in programs of treatment for abuse of alcohol and drugs before sentencing. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 77, 439, 450, 459.

94 ....Requires certain information concerning use of alcohol or controlled substances to be included in records of criminal history. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 77, 446.

95 ....Revises provisions governing attendants who provide support for certain witnesses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 77, 303, 318, 336,* 518, 568.

96 ....Makes various changes concerning participation of person who is found guilty of driving under influence of alcohol or controlled substance in certain programs for treatment of alcoholism and drug abuse. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 81, 445, 469, 471, 1385, 1485, 1502, 1510,* 2310, 2708.

97 ....Revises provisions relating to time within which prosecution for sexual assault must be commenced. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Evans, Anderson, Krenzer, Manendo, Close, Cegavske, Perkins, Mortenson, Herrera, Humke, Buckley, Braunlin, Collins, Price, Freeman, Parks, Koivisto, Segerblom, de Braga, Chowning, Ohrenschall, Lee, Goldwater, Bache, Neighbors, Berman, Lambert and Dini. 82, 256, 268, 286,* 1432, 1513, 1514, 1649.

98 ....Provides exception for certain capital projects from requirement of establishment of separate account for extraordinary maintenance, repair or improvement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache. 82, 135, 142, 158,* 429, 436, 463.

99 ....Revises provisions relating to requests for and prefiling of legislative measures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 82, 493, 500, 524,* 1296, 1322, 1323, 1589, 1649, 1907, 1910, 2170, 2431.

100 ....Reduces period for filing declaration or acceptance of candidacy for certain candidates for public office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 82, 274, 285, 307,* 1034, 1095, 1096, 1130.

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101 ....Provides additional penalty under certain circumstances for operation of vehicle in violation of weight limitations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 82, 137, 157, 170,* 518, 568.

102 ....Authorizes all cities and counties to provide for imposition of administrative assessment for provision of court facilities in justices' and municipal courts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 83, 137, 156, 477, 483, 497, 502,* 699, 754.

103 ....Revises provisions concerning use of affidavit in preliminary hearing or grand jury proceeding. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 83, 303, 319, 336,* 2287.

104 ....Increases number of judges in eighth judicial district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 83, 84, 85, 256, 269, 938, 969, 1010,* 1011, 1773, 1905, 1906, 2431.

105 ....Authorizes state board of architecture, interior design and residential design to impose continuing education requirement on registrants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 83, 371, 386, 409,* 547, 579, 875, 2327.

106 ....Clarifies provisions governing qualifications of employees of private investigators and other licensees of private investigator's licensing board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 83, 339, 365, 390, 410,* 571, 612.

107 ....Clarifies procedure for imposing civil penalty for violation of provisions governing practice of architecture, interior design and residential design. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 84, 371, 386, 410,* 547, 579.

108 ....Requires state board of architecture, interior design and residential design to adopt regulations governing issuance of certificates to practice interior design. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 84, 371, 386, 410,* 547, 579.

109 ....Makes appropriation to state public works board for construction of veterans home in southern Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Manendo, Anderson, de Braga, Perkins, Arberry, Dini, Price, Chowning, Bache, Carpenter, Humke, Close, Cegavske, Tiffany, Buckley, Sandoval, Mortenson, Parks, Segerblom, Lambert, Herrera, Nolan, Goldwater, Collins, Lee, Koivisto, Freeman, Williams, Ohrenschall, Neighbors, Amodei, Giunchigliani, Krenzer, Hettrick, Berman, Hickey, Gustavson, Braunlin, Ernaut, Evans, Von Tobel and Marvel. 84.

110 ....Makes various changes concerning victims of crime. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Giunchigliani, Arberry, Buckley, Bache, Collins, Herrera, Anderson, Ernaut, Koivisto, Parks, Lee, Tiffany, Carpenter, Neighbors, Chowning, Krenzer, Humke, Close, Von Tobel, Amodei, Manendo, Freeman, Lambert, Braunlin, Cegavske, Hettrick, Perkins, Price, Segerblom, Williams, Mortenson, Ohrenschall, Berman, Goldwater, Evans, Hickey, Sandoval, Nolan, Marvel, de Braga and Dini. 87, 518, 537, 566,* 839, 953, 1512.

111 ....Makes appropriation to Boulder City for design, construction and installation of exhibits at Boulder City Museum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Segerblom, Williams, Manendo, de Braga, Anderson, Mortenson, Chowning, Neighbors, Von Tobel, Arberry, Goldwater, Freeman, Parks, Koivisto, Ohrenschall, Lee, Bache, Nolan, Buckley, Collins, Carpenter, Hickey, Sandoval, Perkins, Price and Herrera. 87, 2309, 2310, 2311, 2405,* 2678.

112 ....Authorizes governing body of city or county to create review board to advise body on issues concerning peace officers or law enforcement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Williams, Buckley and Arberry. 87.

113 ....Makes various changes to provisions governing enforcement of claims for wages, commissions or other demands of persons financially unable to employ counsel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 96, 339, 365, 375, 613, 628,* 849, 953.

114 ....Revises provisions relating to certification and authorization of insurer to provide industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 97, 571, 591, 614,* 615, 955, 1012.

115 ....Repeals requirement that division of industrial relations of department of business and industry must have seal to authenticate its proceedings and orders. Fiscal Note: Effect on Local Government: No.

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Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 97, 571, 593, 699, 739, 750, 751,* 1637, 1737.

116....Revises provisions governing duties of peace officers' standards and training committee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 97, 103.

117....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Elections, Procedures, and Ethics. 97, 360, 377, 390, 410,* 1531, 1574, 1586, 1707.

118....Makes various changes concerning residential facilities for groups. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 98, 1251, 1298, 1329, 1355, 1376, 1387, 1424*.

119....Revises civil penalties that certain state agencies may impose for violations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 98.

120....Revises procedures for adoption of administrative regulations and forms required by administrative agencies under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 98, 339, 365, 375,* 955, 1012.

121....Makes various changes relating to the creation and review of state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 98.

122....Makes various changes relating to Administrative Procedure Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 99, 187, 213, 234,* 699, 811, 834.

123....Imposes additional duties upon legislative counsel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 99, 103, 974, 998, 1000, 1568, 1640, 1658, 1694,* 2228, 2431.

124....Revises provisions relating to annual meeting of state and local governmental agencies which coordinate collection of certain fees, taxes or information. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 99, 137, 157, 170,* 429, 463.

125....Makes various changes to provisions governing state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 100, 137, 157, 174,* 1296, 1323, 1429.

126....Revises provision governing boundaries of consolidated library districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 100, 613, 626, 627, 813, 833,* 1935, 1957, 1958, 2431.

127....Makes various changes to charter of City of Henderson. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 100, 187, 214, 234,* 547, 579.

128....Revises provisions governing volunteer ambulance drivers and attendants. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 100, 465, 483, 484, 743, 758,* 1296, 1350, 1429.

129....Authorizes department of motor vehicles and public safety to release certain information to welfare division of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 101.

130....Revises provisions governing regulation of vehicle dealers and brokers by department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 101, 172, 180, 190, 215,* 565, 612.

131....Revises provisions governing sales and leases of new and used motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 101, 237, 254, 260,* 849, 953.

132....Increases distance that vehicle may be required to be driven for weighing vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 102.

133....Makes various changes to provisions governing licensing and registration of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 102, 446, 471, 497, 502, 503,* 988, 1096, 1130, 1422, 1945, 1981.

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134....Revises provisions governing certain occupational licenses issued by department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 102, 326, 349, 375,* 699, 754, 1273, 1274.

135....Revises provisions governing disposition of money collected from fee imposed on short-term leases of passenger cars. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 102, 231, 242.

136....Requires commissioner of insurance to collect, maintain and report to legislature certain information regarding closed claims for medical malpractice. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 107, 632, 641, 667, 743, 751,* 1370, 1494.

137....Makes appropriation to State Conservation Commission in State Department of Conservation and Natural Resources for support of conservation districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Natural Resources, Agriculture, and Mining. 107, 1133, 1149, 1199,* 2312, 2523.

138....Revises provisions governing amount of marihuana required for conviction of trafficking in controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 107.

139....Expands circumstances under which proceedings and sentences for persons convicted of certain offenses concerning controlled substances may be suspended or reduced. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 107.

140....Makes appropriation to Bureau of Alcohol and Drug Abuse in Rehabilitation Division of Department of Employment, Training and Rehabilitation for support of certain programs of treatment for criminal offenders who abuse alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Judiciary. 108.

141....Exempts certain prosecuting attorneys from prohibition against carrying concealed firearm into certain locations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins. 108, 195, 225, 234,* 446, 489.

142....Makes various changes concerning protection of children from molestation committed by volunteers of certain employers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Nolan, Herrera, Buckley, Segerblom, Manendo, Sandoval, Koivisto and Collins. 108, 679, 705, 707.

143....Requires legislative committee on workers' compensation to contract with private party to conduct study of system for providing compensation for permanent partial disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 112.

144....Revises provisions relating to collection and distribution of certain license taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 112, 115, 123, 195, 226, 234, 242,* 955, 1012.

145....Provides formula to calculate salaries of officers of Nevada highway patrol of department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. de Braga, Segerblom, Krenzer, Ohrenschall, Collins, Neighbors, Giunchigliani, Buckley, Freeman, Bache, Anderson, Nolan, Goldwater, Evans, Herrera, Williams, Parks, Lee, Perkins, Carpenter, Chowning, Dini, Manendo, Price and Koivisto. 112.

146....Provides that school district may authorize use of buses of district for certain types of commercial advertising. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Manendo, Williams, Segerblom, Freeman, Chowning, Collins, Herrera, Nolan, Neighbors, Lambert, Goldwater, Mortenson, Amodei, Hickey, Braunlin, Koivisto, Krenzer, Parks, Ernaut, Hettrick and Close. 113, 383, 394, 425, 443,* 2523.

147....Revises provisions relating to medical care. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Goldwater, Herrera, Giunchigliani, Krenzer, Braunlin and Buckley. 113, 743, 772, 802,* 2523, 2568, 2662, 2680, 2683.

148....Makes various changes regarding fund for low-income owners of mobile homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 113, 194, 226, 234, 243,* 1432, 1515, 1649.

149....Makes various changes to provisions relating to public lands. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 113.

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150 ....Authorizes governmental entities to contract for acceptance of credit cards or debit cards for certain payments, contract for placement of automated tellers at certain locations and impose fees for expedited services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache, Goldwater, Giunchigliani, de Braga, Amodei, Segerblom, Lee, Buckley, Freeman, Ernaut, Neighbors, Parks, Perkins, Williams, Herrera, Collins, Mortenson, Close, Manendo, Braunlin, Koivisto, Anderson, Krenzer, Arberry, Ohrenschall, Hickey, Lambert, Humke, Evans, Price, Sandoval, Hettrick, Carpenter, Chowning, Tiffany, Berman and Dini. 114, 281, 290, 323, 988, 1023, 1077,* 1078, 1885, 2167.

151 ....Revises provisions governing fees for records of criminal history. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 114, 1069, 1091, 1700, 1727, 1746, 1763,* 1895, 2167.

152 ....Revises provisions governing issuance of citations in state parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 114.

153 ....Revises provisions governing special elections to approve general obligations proposed by municipalities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 114, 518, 534, 560, 577,* 1773, 1911.

154 ....Revises provisions governing solicitation of proposals for public employees' deferred compensation program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 115, 465, 484, 503,* 955, 1012.

155 ....Makes various changes related to applicant for license to operate facility for intermediate care, facility for skilled nursing or residential facility for groups and of employees of each such facility and employees of agency to provide nursing in home. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Close and Freeman. 119, 665, 683, 786, 791, 822, 823, 828, 834,* 1143, 1250, 1286.

156 ....Makes various changes concerning certain entities that provide health care services through managed care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Buckley, Ernaut, Freeman, Giunchigliani, Sandoval, Perkins, Evans, Segerblom, Herrera, Ohrenschall, Williams, Koivisto, Goldwater, Parks, de Braga, Arberry, Anderson, Price, Collins, Manendo, Lee, Chowning, Neighbors, Mortenson, Braunlin, Bache, Dini, Berman, Nolan, Amodei, Humke, Carpenter, Gustavson, Lambert, Hickey, Marvel, Hettrick, Von Tobel, Tiffany and Cegavske. 120, 187, 190, 698, 721, 758, 759,* 1034, 1097, 1196, 1857, 1957, 1972.

157 ....Prohibits removal of certain actions to federal court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom, de Braga, Perkins, Chowning, Buckley, Williams, Manendo, Ohrenschall, Neighbors, Giunchigliani, Lee, Parks, Evans, Arberry, Krenzer, Goldwater, Mortenson, Herrera, Anderson, Price, Koivisto and Amodei. 120.

158 ....Proposes to exempt hearing aids from taxes on retail sales. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Ohrenschall, Buckley, Carpenter, Segerblom, Neighbors, Krenzer, Mortenson, Freeman, Perkins, Collins, Koivisto, Anderson, Sandoval, Williams, Manendo, Evans, Goldwater, Dini, Close, Parks, Chowning, Lee, Gustavson and Herrera. 121, 718, 748.

159 ....Revises various provisions of Uniform Criminal Extradition Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 125, 176, 183, 393, 418, 432,* 699, 754.

160 ....Requires peace officers to receive training in detection of use and abuse of alcohol and controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 125, 445, 472.

161 ....Makes various changes to provisions that govern sentencing of certain convicted persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 126, 303, 320, 323.

162 ....Clarifies method of transferring interest in licensed gaming establishment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 126, 195, 226, 234, 243,* 633, 662.

163 ....Authorizes possession, use, manufacture, purchase, installation, transportation or sale of chlorofluorocarbons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining (by request). 126.

164 ....Provides additional penalty for assault with deadly weapon under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Evans, Anderson, Freeman, de Braga, Braunlin, Lambert, Tiffany, Parks, Lee, Ohrenschall, Neighbors, Hickey, Sandoval, Manendo, Collins, Williams, Buckley, Bache, Herrera, Nolan, Berman, Mortenson,

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Arberry, Price, Close, Marvel, Perkins, Dini, Goldwater, Carpenter, Koivisto, Segerblom, Krenzer and Giunchigliani. 127, 182, 190, 215,* 429, 463.

165 ....Provides for certification of inspectors of real estate. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Anderson, Bache, Collins, Parks, Carpenter, Perkins, Herrera, Berman, Manendo, Koivisto, Segerblom and Ohrenschall. 132, 339, 366, 369, 1211, 1283, 1297, 1318,* 2523.

166 ....Makes appropriation to Second Judicial District for treatment services for programs for abuse of alcohol or controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Anderson, Humke, Freeman, Amodei, Sandoval, Hickey, Buckley, Williams, Bache, Collins, Parks, Ernaut, Carpenter, Perkins, Herrera, Manendo, Nolan, Koivisto, Gustavson, Segerblom and Ohrenschall. 132.

167 ....Provides categories of willful or malicious acts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Anderson, Bache, Collins, Parks, Ernaut, Carpenter, Perkins, Herrera, Berman, Manendo, Nolan, Koivisto, Segerblom, Ohrenschall and Sandoval. 132.

168 ....Changes name of department of taxation to department of revenue. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Elections, Procedures, and Ethics. 132.

169 ....Increases fee for copying health care records. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Perkins, Giunchigliani and Braunlin. 133.

170 ....Makes various changes concerning domestic violence. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Ohrenschall, Evans, Giunchigliani, Krenzer, Anderson, Hickey, Segerblom, Sandoval, Perkins, Carpenter, Koivisto, Collins, Nolan, Manendo, Berman, de Braga, Dini, Buckley, Tiffany, Amodei, Herrera, Goldwater, Arberry, Bache, Freeman, Parks, Lee, Chowning, Williams, Price, Close, Humke, Hettrick, Ernaut, Mortenson, Lambert, Braunlin, Von Tobel, Neighbors, Gustavson, Cegavske and Marvel. 133, 439, 450, 458, 1327, 1371, 1387, 1424,* 2240, 2257, 2258, 2441.

171 ....Makes various changes concerning administrative procedure of state and local government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Lambert, Williams, Neighbors, Bache, Freeman, de Braga, Ernaut, Braunlin, Mortenson, Amodei, Parks, Tiffany, Lee and Hickey. 133, 632, 641, 667, 668,* 2170.

172 ....Requires state contractors' board to regulate certain construction or other alteration of manufactured and mobile homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Collins, Neighbors, Lee, Herrera, Parks, Anderson, Amodei, Perkins, Dini, Hickey, Chowning, Mortenson, Braunlin, Freeman, Lambert, Cegavske, Bache, Berman, Giunchigliani, Price, Humke, Williams, Nolan, Von Tobel and Manendo. 134.

173 ....Authorizes certain counties to establish schedule of penalties for delinquent payment of surcharge on certain telephone lines and services to pay for enhancement of telephone systems for reporting emergencies in those counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Infrastructure. 134, 1797, 1811, 1813, 1867, 1874,* 2523.

174 ....Makes various changes to provisions governing public organizations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 135, 263, 276, 286,* 1143, 1162, 1165, 1250.

175 ....Revises formula used to determine amount of parent's obligation for child support. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Amodei, Ohrenschall, Herrera, Giunchigliani, Buckley, Perkins, Carpenter, Berman, Braunlin, Collins, Close, Von Tobel, Anderson, Segerblom, Krenzer, Gustavson, Lambert, Evans, Bache, Price, Manendo, Ernaut and Humke. 135.

176 ....Makes various changes concerning driver's license of person under age of 18 years. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Cegavske, Lee, Hettrick, Ernaut, Gustavson, Chowning, Sandoval, Collins, Price, Amodei, Buckley, Manendo, Berman, Hickey, Von Tobel, Ohrenschall, Evans, Krenzer, Nolan, Koivisto, Anderson, Marvel, Tiffany, Mortenson, Parks, Lambert, Goldwater, Herrera, Giunchigliani, Humke, Segerblom, Neighbors, Perkins, Braunlin, Freeman, Bache, Close, Carpenter and de Braga. 138, 393, 418, 424, 679, 711, 714, 813, 833,* 1432, 1515, 1525, 1639, 1649, 1679, 1685, 1686, 2624, 2625, 2626, 2627, 2641, 2643.

177 ....Requires boards of trustees of large school districts to establish toll-free telephone number for reporting waste of school district's resources. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Von Tobel, Segerblom, Hickey, Tiffany, Manendo, Parks, Sandoval, Braunlin, Lambert, Close, Amodei, Nolan, Hettrick, Giunchigliani, Ernaut and Collins. 139, 679, 708, 709.

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178 ....Revises provisions relating to sale of certain used vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Ohrenschall, Anderson, Perkins, Close, Arberry, Giunchigliani, Amodei, Segerblom, Mortenson, Evans, Krenzer, Williams, Manendo, Koivisto, Chowning, Collins, Price, Nolan, Carpenter, Hickey, Neighbors, Marvel, Parks, Cegavske, Sandoval and Hettrick. 139, 938, 958, 1010, 1078, 1080, 1103,* 2662, 2663, 2666, 2700, 2701, 2704, 2706.

179 ....Revises various provisions relating to regulatory control of hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 139.

180 ....Excludes certain permits from provisions governing demerit points for wildlife violations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga, Carpenter, Neighbors, Segerblom and Humke. 140, 534, 551, 566, 567,* 939, 985.

181 ....Deletes provision limiting issuance of citation for failure to wear safety belt in motor vehicle to vehicles halted for other offenses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 140.

182 ....Revises provisions governing operation of motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 140.

183 ....Revises provisions governing state plan for Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Elections, Procedures, and Ethics. 140, 1740, 1773, 1889, 1901, 1914, 1928,* 2312, 2678.

184 ....Authorizes establishment of program for payment of normal salary of police officer or fireman in lieu of compensation for industrial injury or occupational disease in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Nolan and Anderson. 140, 1167, 1221, 1282, 1284,* 2198, 2431.

185 ....Authorizes use of arbitration in adjustment of certain grievances of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Neighbors, Manendo, Hickey, Mortenson, Lee, Collins, Arberry, de Braga, Segerblom, Chowning, Bache, Amodei, Giunchigliani, Williams and Freeman. 141, 360, 379, 380, 513, 524, 548*.

186 ....Requires immediate disclosure on weekly list of bill draft requests of name of legislator who requests preparation of legislative measure. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Von Tobel, Close, Carpenter, Herrera, Parks, Koivisto, Anderson, Hettrick, Chowning, Goldwater, Krenzer, Cegavske, Humke, Dini, Lambert, Sandoval, Manendo, Marvel, Mortenson, Lee, Braunlin, Segerblom, Berman, Freeman, Bache, Nolan, Ernaut, Collins, Gustavson, Giunchigliani, Perkins, Buckley, Amodei, Neighbors, Tiffany, Ohrenschall, Williams, de Braga, Evans and Arberry. 141, 288, 306, 336*.

187 ....Requires establishment of oversight committee for construction and repair of school buildings in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Herrera, Goldwater, Perkins, Buckley, Anderson, Bache, Hettrick, Giunchigliani, Freeman, Parks, Braunlin, Koivisto, Lee, Gustavson, Cegavske, Mortenson, Collins, Chowning, Price, Williams, Krenzer, Amodei, Arberry, Dini, Berman, Nolan, Manendo, Evans, Hickey, Carpenter, Segerblom, Ernaut, Marvel, de Braga, Neighbors, Close, Ohrenschall and Von Tobel. 141.

188 ....Authorizes board of county commissioners to create office of coordinator of services for veterans. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. de Braga, Anderson, Neighbors, Lee, Segerblom, Amodei, Hickey, Lambert, Manendo, Bache, Perkins, Freeman, Evans, Chowning, Collins and Dini. 156, 325, 356, 363,* 364, 1885, 2167, 2303, 2304.

189 ....Requires certain boards of county commissioners to conduct study regarding feasibility of establishing program to require inmates of its county jail to perform community service. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Carpenter, Sandoval, Anderson, Herrera, Collins, Neighbors, Ohrenschall and Gustavson. 156, 195, 226, 234, 243,* 955, 1012.

190 ....Makes various changes concerning water resources in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 156, 776, 786, 823,* 2170, 2574, 2575.

191 ....Revises provisions governing school-based decision making and program to provide pupils with skills to make transition from school to careers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Evans, Anderson, Freeman, Goldwater, de Braga, Buckley, Sandoval, Segerblom, Herrera, Koivisto, Braunlin, Lambert, Manendo, Perkins, Giunchigliani, Krenzer, Arberry, Hettrick, Carpenter, Williams, Ohrenschall, Price, Dini, Humke, Chowning,

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Collins, Bache, Ernaut, Parks, Tiffany and Berman. 161, 646, 654, 681,* 2240, 2267, 2271, 2272, 2366, 2430, 2645, 2646, 2662.

192 ....Requires deposition of certain persons before holding mandatory conference for settlement in medical and dental malpractice claims. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 161, 237, 254, 260, 261,* 988, 1067.

193 ....Makes various changes regarding fees collected by clerk of supreme court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 161, 195, 220, 839, 853, 950,* 1773, 1911.

194 ....Requires certain actions for medical or dental malpractice to be submitted to mediation before they are submitted to screening panel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 161.

195 ....Revises provisions governing enforcement of liens for unpaid rent against certain registered owners of recreational vehicles, mobile homes or manufactured homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Buckley, Bache, Perkins, Manendo, Close, Price, Arberry, Goldwater, Freeman, Chowning, Giunchigliani, Krenzer, Sandoval and Segerblom. 162, 383, 405, 432, 609, 628,* 629.

196 ....Authorizes state board of education and county school districts to consider certain discharged and dismissed criminal proceedings in matters relating to employment of personnel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 162, 163.

197 ....Limits civil liability of person for injuries or death resulting from certain equine activities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 172.

198 ....Revises provisions governing imposition of tax on residential construction in school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 172, 513, 521, 532,* 1935, 2431.

199 ....Revises provisions governing grounds for vacating arbitration award. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 173.

200 ....Allows privately owned vehicles of volunteer firemen to be designated as authorized emergency vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 173.

201 ....Makes various changes relating to municipal bond bank. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 173, 303, 321, 336, 373, 375,* 699, 739, 740, 773.

202 ....Expands public places to which service animal in training must be allowed entry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Krenzer, Arberry, Goldwater, Evans, Manendo, Ernaut, Perkins, Anderson, Bache, Buckley, Williams, Giunchigliani, Parks, Hettrick, Nolan, Price, Sandoval, Collins, Freeman, Braunlin, Koivisto, Gustavson, de Braga, Close, Amodei, Ohrenschall, Humke, Segerblom, Lee, Mortenson, Chowning, Von Tobel and Herrera. 174, 339, 368, 390, 410, 411,* 565, 612.

203 ....Makes appropriation to Sixth Judicial District for establishment of juvenile detention facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Marvel and de Braga. 177.

204 ....Provides for study of feasibility of consolidating collection of taxes and fees within Department of Taxation and Department of Motor Vehicles and Public Safety and of actual cost of collecting taxes and fees on behalf of local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Elections, Procedures, and Ethics. 177, 1252, 1301, 1329, 1336,* 1867, 1931, 2431.

205 ....Requires adoption of safety programs for pupils who ride school buses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 177, 564, 646, 776, 787, 789, 1634, 1692,* 1885, 2167.

206 ....Provides for program to allow certain sex offenders to participate voluntarily in treatment with chemical compounds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Ohrenschall, Carpenter, Sandoval, Segerblom, Perkins, Anderson, Neighbors, Manendo, Price, de Braga and Hickey. 178, 1385, 1435, 1438.

207 ....Enlarges kind and financing of utilities to be placed underground. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom, Ohrenschall, Koivisto, Gustavson, de Braga, Manendo, Williams, Mortenson, Hettrick, Marvel, Goldwater, Hickey, Perkins, Lee, Nolan, Herrera, Parks, Von Tobel, Neighbors, Anderson, Price, Tiffany, Berman, Giunchigliani, Chowning, Freeman, Amodei, Carpenter and Bache. 178.

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208 ....Provides for expansion of neighborhood justice centers and makes various changes concerning fees imposed for filing of civil actions and responses thereto. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Anderson, Williams, Ohrenschall, Segerblom, Carpenter, Tiffany, Hickey, Krenzer, Price, Sandoval, Mortenson, Collins, Chowning, Manendo, Hettrick, Perkins, de Braga, Marvel, Von Tobel, Amodei, Ernaut, Neighbors, Humke, Herrera, Goldwater, Giunchigliani, Arberry, Bache and Freeman. 184, 974, 1000, 1248, 1284,* 2193, 2229, 2230, 2366, 2429, 2504, 2506, 2523.

209 ....Makes various changes to provisions governing sales, leases and trades of vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Williams, Segerblom, Carpenter, Tiffany, Evans, Krenzer, Nolan, Price, Mortenson, Collins, Cegavske, Manendo, Hettrick, Perkins, Ernaut, Buckley, Berman, de Braga, Neighbors, Von Tobel, Ohrenschall, Humke, Amodei, Close, Herrera, Goldwater, Giunchigliani, Arberry, Bache, Lambert and Freeman. 184, 383, 405, 426*.

210 ....Revises provisions governing discovery in criminal cases. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson and Humke. 184, 1497, 1540, 1613, 1635, 1643,* 1935, 2230, 2231, 2431.

211 ....Requires registration of persons who provide check-cashing and deferred deposit services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Williams, Arberry, Herrera, Freeman, Ohrenschall, Bache, Carpenter, Amodei, Krenzer, Cegavske, Mortenson, Berman, Collins, Sandoval, Anderson, de Braga, Manendo, Tiffany, Ernaut, Goldwater, Perkins, Chowning, Buckley, Giunchigliani, Von Tobel, Hickey, Neighbors, Segerblom, Evans, Nolan, Price, Humke, Koivisto, Parks, Lambert, Lee, Dini and Braunlin. 185, 534, 551, 577,* 2523, 2568, 2573.

212 ....Revises provisions governing compensation for overtime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 189.

213 ....Revises provisions governing state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 206, 315, 331, 364,* 1370, 1494.

214 ....Makes various changes relating to provision of copies of public records. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 206, 570, 594, 615,* 2523.

215 ....Expands circumstances under which personal information contained in files and records of department of motor vehicles and public safety may be released. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 206, 439, 459, 476, 477,* 1034, 1096, 1097, 1130.

216 ....Makes appropriation to Department of Prisons for purchase of vehicles, trucks, vans, forklifts, warehouse equipment and necessary special equipment for vehicles for Prison Number 7. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 207, 1252, 1301, 1329, 1336,* 1710, 1865.

217 ....Makes appropriation to Department of Prisons for expansion of Jean Conservation Camp. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 207, 1211, 1253, 1297, 1318,* 1710, 1865.

218 ....Makes appropriation to Department of Prisons for expenses related to expansion and conversion of Nevada Women's Correctional Center to house male prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 207, 1211, 1253, 1297, 1318,* 1710, 1865.

219 ....Makes appropriations to Division of Agriculture of Department of Business and Industry for certain programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 207, 784, 808, 833,* 1370, 1494.

220 ....Provides for equipment, supplies and relocation of staff to open Phase II of Lovelock Correctional Center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 207, 1327, 1356, 1387, 1424,* 1710, 1865.

221 ....Makes appropriations to State Gaming Control Board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 208, 1568, 1593, 1658, 1694,* 1867, 2167.

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222....Makes appropriation to Department of Taxation for development and implementation of computer networks and for purchase of modular furniture system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 208, 1497, 1543, 1613, 1641,* 1642, 1867, 2167.

223....Makes supplemental appropriation to Department of Taxation for additional operating and information services costs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 208, 806, 816, 842,* 1168, 1293.

224....Provides for proportional matching funding for disaster assistance grants made to state and local governments by Federal Emergency Management Agency. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 208, 256, 270, 271,* 288, 300, 301, 307, 308, 311, 312, 315, 323.

225....Makes appropriation to mental hygiene and mental retardation division of department of human resources for position of psychologist. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 209, 644, 655, 681,* 682, 2611, 2668, 2669.

226....Makes appropriation for purchase of vehicles for State Fire Marshal Division of Department of Motor Vehicles and Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 209, 806, 817, 842,* 1370, 1494.

227....Makes appropriation for purchase of vehicles, computer hardware and other equipment for Investigation Division of Department of Motor Vehicles and Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 209, 1168, 1222, 1282, 1284,* 1773.

228....Makes appropriation to Department of Motor Vehicles and Public Safety for computer laboratory of Peace Officers' Standards and Training Committee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 209.

229....Makes appropriation to Department of Motor Vehicles and Public Safety for equipment and training for Capitol Police. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 209, 806, 817, 842,* 1370, 1494.

230....Makes supplemental appropriation to Commission on Economic Development for additional costs of "Train Employees Now" program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 210, 393, 424, 432,* 565, 612.

231....Makes supplemental appropriation from state highway fund to Hearings Office of Department of Motor Vehicles and Public Safety for additional costs of salaries and witness fees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 210, 446, 472, 487,* 699, 754.

232....Makes supplemental appropriation to Department of Prisons for costs to board offenders out of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 210.

233....Makes appropriation to Motor Pool Division of Department of Administration for purchase of additional vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 210, 1034, 1074, 1103,* 1895, 2167.

234....Makes appropriation to State Council on the Arts of Department of Museums, Library and Arts for purchase of works of art for certain public buildings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 210.

235....Makes appropriation to contingency fund for allocation by Interim Finance Committee to Administrative Office of the Courts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 211, 1034, 1074, 1103,* 1773, 1911.

236....Makes appropriation to Office of the Governor for computer upgrades and office furniture. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains

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Appropriation included in Executive Budget. Committee on Ways and Means. 211, 743, 773, 780,* 1370, 1494.

237 ....Amends charter of Carson City to authorize imposition of local sales and use tax for open spaces, parks, trails and recreational facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 211, 248, 260, 271,* 372, 413.

238 ....Revises duties and powers of mayor of City of Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 211.

239 ....Provides for audit of effectiveness of programs for treatment of alcohol and drug abuse. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 211, 561, 742, 743, 773, 780*.

240 ....Requires person convicted of committing certain crime related to defrauding older person to make certain amount of restitution to victim before he may be released on parole or probation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Ohrenschall, Evans, Arberry, Price, Freeman, Mortenson, Parks, Segerblom, Neighbors, Herrera, Williams, Lambert, Collins, Koivisto, Bache, Lee and Manendo. 212, 581, 611, 839, 871,* 1589, 1737, 2202, 2384, 2385, 2402, 2403, 2658.

241 ....Makes various changes concerning eligibility of person who is found guilty of driving under the influence of alcohol or controlled substance for participation in certain programs for treatment of alcoholism and drug abuse. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Buckley, Goldwater, Ohrenschall, Anderson, Manendo, Collins, Carpenter, Perkins, Sandoval, Segerblom, Gustavson, Koivisto, Nolan, Berman, Herrera, Cegavske, Mortenson, Price, Krenzer, Evans, Chowning, Lee, Braunlin, Parks, Lambert, Bache, Arberry, Giunchigliani, Close, Amodei, Von Tobel, Marvel, Neighbors, de Braga, Williams, Tiffany and Hickey. 218, 383, 405, 432, 443,* 699, 754.

242 ....Makes various changes related to crimes against older persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 219, 1098, 1113, 1159, 1160, 1219, 1247,* 1867, 2167.

243 ....Revises provisions governing operation of motor vehicle or vessel while under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Sandoval, Carpenter, Anderson, Lee, Lambert, Amodei, Nolan, Manendo, Collins, Tiffany, Hickey, Humke, Marvel, Braunlin, Neighbors, Buckley, Herrera, Berman, Segerblom and Perkins. 219, 274, 283, 300, 445, 472, 497, 503,* 1034, 1082, 1130, 1269, 1271.

244 ....Requires state agency that arrests person and places him in county jail to reimburse county for cost of housing person. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. de Braga (by request). 219.

245 ....Makes appropriation to State Public Works Board for construction of Hi-Tech Learning Centers in Mesquite and Overton. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Von Tobel. 220.

246 ....Provides for designation of Six-Mile Canyon Road in Storey and Lyon counties as state highway. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 232, 383, 394, 407.

247 ....Makes appropriation for Urban Hi-Tech Learning Center at Carson High School. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Amodei. 232.

248 ....Provides immunity from civil liability in certain circumstances for employer who discloses certain information regarding employee or former employee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 240, 1432, 1503, 1538, 1570,* 1810, 1911.

249 ....Provides property tax exemption for Pershing County Kids, Horses, Rodeo Inc. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Marvel. 240, 445, 476, 487, 547, 567,* 839, 953.

250 ....Revises certain provisions governing appointment of county surveyors. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Neighbors. 240, 315, 332, 364,* 955, 1012.

251 ....Revises provisions governing merit personnel system of certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors. 240, 303, 322, 337,* 955, 1012.

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252....Makes appropriation to Nye County for establishment of Tonopah Mining Park and improvements to Central Nevada Museum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Neighbors. 241, 1797, 1811, 1814, 1867, 1874, 1875,* 2678.

253....Makes appropriation to State Public Works Board for construction of Hi-Tech Learning Center in Pahrump. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Neighbors. 241.

254....Revises certain provisions relating to public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 241, 315, 332, 335, 1167, 1239, 1240, 1282, 1284, 1285*.

255....Revises service obligation of public utility that supplies natural gas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 241.

256....Authorizes utility that supplies natural gas to sell exclusive right to acquire gas supplies within its service area. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 241.

257....Authorizes public utility to recover costs of promotional advertising. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 242.

258....Revises provisions regarding persons who practice as registered interior designers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini and Perkins. 242, 371, 386, 426,* 814, 875, 953.

259....Makes supplemental appropriation to Office of the Governor for Nevada's share of start-up costs for Western Governors University. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 249, 975, 1001, 1026,* 2432.

260....Makes appropriations for completion of Phases I and II of Implementation Plan for Business Process Re-Engineering Project of Department of Motor Vehicles and Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 249, 1497, 1543, 1613, 1642,* 1867, 2167.

261....Provides financial support for repair and maintenance of certain vehicles used to fight fires. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 249, 513, 521, 548,* 699, 754.

262....Revises provisions governing practice of certain professions in groups. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 249, 1648, 1659, 1661, 1772, 1811, 1837, 1867, 1875,* 2240, 2327, 2708.

263....Revises reversion for previously appropriated money for Medicaid Managed Care Program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 250, 813, 831, 871,* 1168, 1293.

264....Makes appropriation to Division of Child and Family Services of Department of Human Resources for equipment and supplies for Southern Nevada Child and Adolescent Services Juvenile Treatment Facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 250, 1252, 1302, 1329, 1336,* 1773, 1911.

265....Makes appropriation to North Las Vegas Library District for design of second public library in North Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 250, 1740, 1777, 1867, 1875,* 2678.

266....Makes appropriations to Department of Education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 250, 806, 817, 842, 843,* 1867, 1933, 1934, 2312, 2431.

267....Makes appropriation to Health Division of Department of Human Resources for distribution to certain community health centers in southern Nevada for oral health services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 251.

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268 ....Makes appropriation to account for local cultural activities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 251, 1531, 1593, 1693,* 2523.

269 ....Makes appropriation to Clark County for establishment of Adolescent Detoxification Program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 251, 325, 356.

270 ....Allows prosecuting attorney to dismiss criminal case without prejudice in certain situations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 251, 1432, 1503, 1538, 1570,* 1867, 2167.

271 ....Revises provisions governing property that is exempt from execution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lee, Koivisto, Parks, Gustavson, Manendo, Nolan, Sandoval, Mortenson, Braunlin, Collins, Bache, Herrera, Von Tobel, Neighbors, Carpenter, Close, Perkins, Hickey, Ohrenschall, Berman, Amodei, Cegavske and Anderson. 251, 581, 611, 629,* 939, 985.

272 ....Prohibits operator of motor vehicle from engaging in certain conduct that affects driver of bus. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Nolan, Chowning, Segerblom, Amodei, Ohrenschall, Collins, Close, Parks, Anderson, Ernaut, Lee, Koivisto, Mortenson, Carpenter and Price. 252, 679, 709, 751*.

273 ....Makes appropriation to Department of Employment, Training and Rehabilitation for establishment and continued operation of Turnabout AmeriCorps Child Care Program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. de Braga, Parks, Neighbors, Lee, Mortenson, Price, Bache, Amodei, Herrera, Koivisto, Evans, Dini, Manendo, Buckley, Chowning, Segerblom and Freeman. 252.

274 ....Revises provisions concerning fraud related to Medicaid. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 252, 480, 496, 503,* 1143, 1208, 1293.

275 ....Transfers responsibility for collection of taxes and fees imposed on certain fuels from department of taxation to department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 252.

276 ....Requires payment for all accrued unused sick leave of officers of Nevada highway patrol upon retirement, termination or death while in public employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Anderson, Manendo, Carpenter, Perkins, Herrera, Berman, Nolan, Collins, Koivisto, Gustavson, Segerblom, Ohrenschall, Sandoval, Buckley, Price, Evans, Ernaut, Krenzer, Chowning, Mortenson, Lee, Parks, Arberry, Braunlin, Bache and Giunchigliani. 258, 1496, 1544.

277 ....Creates council for development of standards of content and performance in education. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 258, 272, 626, 635.

278 ....Revises provisions governing alimony and child support. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 258.

279 ....Makes various changes to provisions related to unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ernaut, Hettrick, Carpenter, Hickey, Tiffany, Von Tobel, Amodei, Cegavske, Gustavson, Braunlin, Lambert, Humke, Nolan, Berman, Mortenson, Chowning and Sandoval. 259, 1295, 1329, 1355, 1377,* 1867, 2167.

280 ....Increases penalties for certain sexual offenses and creates mandatory conditions of parole for certain sex offenders. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Berman, Ohrenschall, Herrera, Manendo, Nolan, Collins, Koivisto, Gustavson, Buckley, Carpenter, Segerblom, Perkins, Hettrick, Anderson, Price, Ernaut, Cegavske, Krenzer, Chowning, Lee, Braunlin, Parks, Lambert, Bache, Arberry, Giunchigliani, Goldwater, Amodei, Von Tobel, Neighbors and de Braga. 259, 570, 597, 826, 843, 2240, 2250, 2275,* 2441.

281 ....Disqualifies employee of temporary employment service from collecting unemployment benefits under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval, Carpenter, Braunlin, Mortenson, Hickey, Buckley, Humke, Ohrenschall, Ernaut and Lambert. 259.

282 ....Revises provisions governing circumstances under which attorney must be appointed for child in proceedings in juvenile court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 260.

283 ....Revises provisions governing distribution of revenue from lease of federal land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Neighbors. 264, 466, 484.

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284 ....Makes various changes to provisions governing licensure of private investigators and related occupations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 264, 480, 496, 515, 524,* 525, 839, 953.

285 ....Revises provisions governing distribution of roster by state board of professional engineers and land surveyors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 264, 534, 559, 577*.

286 ....Makes various changes to provisions governing homeopathic medicine. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 265, 1765, 1777, 1867, 1875,* 2310, 2708.

287 ....Requires county to provide property owner with notice, hearing and appeal before recovering expenses incurred by county for abatement of certain conditions on property. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 265, 513, 522, 548,* 1370, 1494.

288 ....Limits use of independent contractors by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 265.

289 ....Revises provisions governing access to public records of governmental entities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 265, 1098, 1116, 1160, 1170, 1202*.

290 ....Creates lien of hospital upon certain insurance coverage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 266.

291 ....Authorizes imposition of certain taxes for certain projects related to infrastructure. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Infrastructure. 267, 665, 683, 734, 737, 739, 759, 761, 762, 763, 764,* 2170, 2314, 2320, 2430, 2650, 2657.

292 ....Requires prompt closing of estates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, de Braga, Buckley, Koivisto, Manendo, Anderson, Herrera, Segerblom, Perkins, Sandoval, Berman, Amodei, Marvel, Humke, Gustavson, Von Tobel, Goldwater, Arberry, Freeman, Bache, Lambert, Parks, Cegavske, Braunlin, Lee, Collins, Mortenson, Chowning, Williams, Neighbors, Tiffany, Hickey, Evans, Krenzer, Nolan, Price, Dini and Giunchigliani. 275, 361, 379, 390, 411, 426, 432, 443,* 955, 1082, 1083, 1130.

293 ....Makes various changes to eighth judicial district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 275, 326, 357.

294 ....Makes various changes concerning activities or associations of gaming licensee in foreign gaming operations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 276, 1210, 1253, 1297, 1318,* 1710, 1865.

295 ....Revises provisions governing composition of classified service and unclassified service of state government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 276.

296 ....Revises provisions relating to publication of notice concerning adoption of proposed ordinances for certain unincorporated towns. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 276, 1295, 1330, 1355, 1377,* 2198, 2431.

297 ....Makes various changes concerning manufactured housing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Buckley, Ohrenschall, Collins, Manendo, Perkins, Nolan, Evans, Krenzer, Price, Lambert, Parks, Koivisto, Lee, Chowning, Ernaut, Hettrick, Williams, Berman, de Braga, Neighbors, Marvel, Von Tobel, Humke, Close, Goldwater, Giunchigliani, Arberry, Anderson, Bache, Freeman and Segerblom. 283, 606, 623, 636,* 839, 953.

298 ....Provides for residential confinement of certain prisoners who are terminally ill or physically incapacitated. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 283, 1353, 1391, 1434, 1488,* 2523.

299 ....Makes appropriation to Department of Prisons for purchase of vehicles, computer hardware, telephone systems, radio communication system and laundry and kitchen equipment and revising reversion for certain previously appropriated money for use for additional Information Services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 284, 1252, 1302, 1329, 1336,* 1337, 1710, 1865.

300 ....Authorizes issuance of real estate licenses to limited-liability companies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval. 284, 533, 560, 567,* 757, 802.

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301 ....Authorizes imposition of sales and use tax for construction of hospital in Elko County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 284, 304, 308, 310,* 369, 381.

302 ....Designates Tule Springs State Park. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Von Tobel, Nolan, Buckley, Cegavske, Hettrick, Segerblom, Gustavson, Chowning, Amodei, Mortenson, Hickey, Parks, Manendo, Sandoval, Price, Williams, Herrera, Anderson, Humke, Ernaut, Lambert, Carpenter and Arberry. 284.

303 ....Makes various changes concerning landlords and tenants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goldwater, Buckley, Herrera, Giunchigliani, Ohrenschall, Perkins, Anderson, Bache and Evans. 289, 1496, 1544, 1613, 1642,* 1645, 1658, 1693, 1697, 1698, 1699,* 1702.

304 ....Provides immunity from civil liability for disclosure of information regarding cash transaction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 289, 518, 540, 567,* 849, 953.

305 ....Revises provisions governing reporting of campaign contributions and expenditures. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Collins, Lee, Parks, Braunlin, Tiffany, Gustavson, Price, Sandoval, Manendo, Evans, Chowning, Nolan, Anderson, Ohrenschall and Amodei. 300.

306 ....Makes various changes concerning wills and estates of deceased persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lee, Parks, Tiffany, Koivisto, Hickey, Gustavson, Nolan, Anderson, Collins and Arberry. 300, 838, 854, 950,* 2198, 2231, 2233, 2431.

307 ....Makes various changes to provisions regulating practice of Oriental medicine. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 304.

308 ....Revises provisions governing exemption of certain employees of public utility company from requirements of registration as professional engineer or land surveyor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 304.

309 ....Makes various changes to provisions governing practice of chiropractic. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 305, 698, 731, 765,* 1497, 1649.

310 ....Authorizes collective bargaining for certain employees in classified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 305, 570, 571, 783, 808, 823*.

311 ....Makes various changes relating to mines. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 305.

312 ....Revises provisions that authorize use of affidavit to specifically authorize use of declaration in lieu of affidavit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 305, 975, 1001, 1041,* 2193, 2233, 2431.

313 ....Authorizes state agencies and local governments to adopt more stringent restrictions governing tobacco and products made from tobacco than restrictions imposed pursuant to state law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman, de Braga, Anderson, Sandoval, Segerblom, Carpenter, Gustavson, Lambert, Amodei, Koivisto, Hickey, Lee, Von Tobel, Ohrenschall, Berman, Herrera, Goldwater, Williams, Parks, Braunlin, Price, Nolan, Mortenson, Manendo, Krenzer, Chowning, Collins, Perkins, Humke, Buckley, Close and Evans. 311.

314 ....Revises provisions relating to annexation of land in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lambert, Humke, Gustavson, Sandoval, Hickey, Freeman, Evans and Anderson. 316, 513, 522, 549*.

315 ....Requires dishonorable discharge from probation under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Anderson, Sandoval, Perkins, Buckley, Carpenter, Krenzer, Herrera, Amodei, Neighbors, de Braga, Segerblom, Bache, Giunchigliani, Lee, Humke, Koivisto, Mortenson, Collins, Price, Chowning, Manendo, Evans, Arberry, Goldwater and Parks. 316, 445, 476, 486, 615, 627, 629, 644, 645, 646,* 1432, 1525, 1737.

316 ....Adopts Uniform Management-of-Institutional-Funds Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany, Lambert, Hickey, Parks, Lee, Amodei, Bache, Neighbors, Anderson, Arberry, Collins, Sandoval, Koivisto, Berman, Buckley, Von Tobel, Close, Humke, Freeman, Williams, Herrera, Giunchigliani, Nolan, Ohrenschall, Marvel, Carpenter, Manendo, Price, Krenzer, Gustavson, Dini and Evans. 316, 581, 611, 615, 2307.

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317 ....Creates office of state dental officer to coordinate access to dental care for children of low-income families. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 317, 742, 743.

318 ....Revises provisions regarding movement of certain oversized vehicles or structures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 317, 1867, 1871, 2224, 2226, 2250, 2275, 2276,* 2441.

319 ....Authorizes state agencies to contract with certain independent contractors to provide security services under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 330, 465, 485, 503, 504,* 2198, 2431.

320 ....Requires that certain vehicles be operated with lighted headlamps and limits requirement for protective headgear for drivers and passengers of motorcycles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gustavson, Collins, Sandoval, Carpenter, Herrera, Manendo, Marvel, Von Tobel, Neighbors, de Braga, Anderson, Lambert, Parks, Mortenson, Lee, Price, Hickey, Segerblom, Amodei, Humke, Giunchigliani, Berman, Hettrick, Tiffany, Williams, Evans, Dini, Cegavske, Bache, Braunlin, Ernaut and Goldwater. 330, 1740, 1778, 1791, 1867, 1875,* 1876.

321 ....Revises provisions governing use of devices for automatic dialing and announcing on telephones. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Segerblom, Anderson, Perkins, Amodei, Arberry, Giunchigliani, Herrera, Williams, Buckley, Price, Collins, Koivisto, Lee, Parks, Freeman, Neighbors, Ohrenschall, Carpenter, Sandoval, Manendo, de Braga, Nolan, Gustavson, Berman, Ernaut, Lambert, Mortenson and Goldwater. 331, 1098, 1121, 1123.

322 ....Provides for reduced fee for fishing license for person with severe mental disability. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 331, 813, 832, 871, 1036.

323 ....Prohibits passengers under certain circumstances from riding in bed of pickup truck without bolted seats and safety belts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Close, Koivisto, Nolan, Sandoval, Giunchigliani, Goldwater, Amodei, Tiffany, Von Tobel, Freeman, Ohrenschall, Arberry, Chowning, Buckley, Parks, Braunlin, Herrera, Humke, Lee, Perkins, Segerblom, Anderson, Hickey, Price, Krenzer, Berman and Cegavske. 341, 838, 865, 867.

324 ....Revises provisions relating to filing and processing of tort claims against state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 363, 534, 560, 567, 568,* 955, 1012.

325 ....Creates committee to conduct study of welfare programs provided by state and local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Elections, Procedures, and Ethics. 363.

326 ....Broadens provisions governing loss of job seniority of legislator because of absence from employment while attending legislative session. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 363.

327 ....Revises provisions concerning control of noxious weeds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter, de Braga, Neighbors, Hettrick, Dini, Segerblom, Bache and Marvel. 364, 954, 975, 1026,* 1370, 1494.

328 ....Requires certain governmental entities to notify state board of professional engineers and land surveyors concerning certain incomplete or rejected plans. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 372, 429, 442, 462,* 699, 754.

329 ....Makes appropriation to University and Community College System of Nevada for relocation of UNR Fire Protection Training Academy to Dodd-Beals Facility in Carlin, Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 372, 2228, 2229, 2287, 2305, 2331, 2349, 2350,* 2678.

330 ....Makes various changes regarding planning and zoning by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 373, 1352, 1396, 1434, 1488,* 2441, 2474.

331 ....Makes appropriation to Department of Education for technological improvements for schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 373.

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332 ....Requires surplus money in state distributive school account to be distributed to school districts biennially. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 373.

333 ....Makes various changes concerning mass transit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 384, 633, 642, 668,* 2240, 2358, 2363.

334 ....Makes appropriation to Western Nevada Development District to provide matching money required to receive federal grant to provide flood coordination services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 385.

335 ....Makes appropriation to Clark County School District for reclassification of unlicensed employees of school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Herrera, Arberry and Williams. 385.

336 ....Defines "motion picture" for purposes relating to certain crimes against decency. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Lee, Braunlin, Koivisto, Tiffany, Amodei, Carpenter, de Braga, Neighbors, Buckley, Perkins, Goldwater, Manendo, Hickey, Herrera, Bache, Dini, Segerblom, Ernaut, Gustavson, Mortenson, Cegavske, Parks, Von Tobel, Giunchigliani, Lambert, Arberry, Krenzer, Freeman, Berman, Close, Williams, Price, Collins, Nolan, Sandoval, Hettrick, Marvel, Humke, Chowning, Evans and Ohrenschall. 394, 534, 560, 568,* 1143, 1206, 1207, 1370, 1381, 1863, 1864, 1867, 1925, 1926, 2167.

337 ....Requires public body to establish policy and procedure regarding placement by member of public body of items on agenda for public meeting. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Anderson, Herrera, Lee, Braunlin, Segerblom, Berman, Hickey, Collins, Perkins, Buckley, Amodei, Tiffany, Manendo, Ohrenschall, Cegavske, Sandoval, Mortenson, Carpenter, Marvel, Neighbors, de Braga, Gustavson, Evans, Krenzer, Lambert, Parks, Koivisto, Bache, Humke, Von Tobel, Close, Arberry, Goldwater, Freeman, Williams, Giunchigliani and Dini. 395, 1530, 1593, 1658, 1694*.

338 ....Makes various changes concerning managed care organizations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Buckley, Freeman, Anderson, Collins, Segerblom, de Braga, Parks, Koivisto, Herrera, Amodei, Neighbors, Goldwater, Arberry, Bache, Manendo, Price, Marvel, Ohrenschall, Williams, Perkins and Berman. 395.

339 ....Provides for state contribution to cost of certain group insurance or medical and hospital coverage for retired employees of school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. de Braga, Segerblom, Neighbors, Chowning, Koivisto, Manendo, Evans, Price, Collins, Parks, Giunchigliani, Amodei, Close, Herrera, Goldwater and Ohrenschall. 408, 718, 748, 749, 2240, 2287, 2307, 2367, 2369*.

340 ....Ends additional vehicle privilege tax in Washoe County. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Humke, Anderson, Lambert, Freeman, Gustavson, Ernaut, Sandoval, Evans and Hickey. 412.

341 ....Makes various changes related to equity in vehicle that is exempt from execution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry. 412.

342 ....Revises provisions governing electronic supervision. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Berman, de Braga, Williams, Neighbors, Marvel, Von Tobel, Ohrenschall, Amodei, Humke, Close, Herrera, Goldwater, Giunchigliani, Arberry, Segerblom, Carpenter, Tiffany, Hickey, Manendo, Krenzer, Evans, Hettrick, Ernaut, Chowning, Collins, Mortenson, Braunlin, Lambert and Koivisto. 415, 974, 1005, 1489, 1509, 1538, 1570,* 1571, 1810, 1911.

343 ....Increases number of justices of supreme court of State of Nevada and authorizes use of panels. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Carpenter, Anderson, Sandoval, de Braga, Amodei, Buckley, Segerblom, Tiffany, Dini, Lambert, Perkins, Herrera, Gustavson, Manendo, Koivisto, Nolan, Berman, Collins, Humke, Ohrenschall, Hettrick and Ernaut. 415, 606, 623, 627, 1142, 1199, 1219, 1245,* 2228, 2431.

344 ....Revises provisions governing commission on judicial discipline. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Buckley, Ohrenschall, Evans, Chowning, Freeman, Bache, Krenzer, Arberry, Segerblom, Close, Goldwater, Herrera and Lee. 416, 838, 867, 950, 951,* 1740, 1765, 2167.

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345 ....Requires certain railroads to pay certain expenses for activities of the public service commission of Nevada relating to railroad safety. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Anderson, Buckley, Evans, Chowning, Freeman, Bache, Arberry, Krenzer, Segerblom, Goldwater, Herrera and Lee. 416, 1658, 1691, 1797, 1803,* 2240, 2328, 2364, 2365, 2708.

346 ....Makes appropriation for remodeling of Sparks Heritage Museum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Anderson, Buckley, Ohrenschall, Evans, Chowning, Freeman, Arberry, Krenzer, Segerblom, Goldwater, Herrera and Lee. 416, 1797, 1811, 1815, 1867, 1876,* 2678.

347 ....Provides for establishment and operation of additional regional facility for children in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Amodei, Dini, Hettrick, Ernaut and de Braga. 416.

348 ....Makes various changes concerning domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Koivisto, Buckley, Perkins, Anderson, Segerblom, Sandoval, Von Tobel, Marvel, Neighbors, de Braga, Berman, Williams, Arberry, Goldwater, Herrera, Close, Humke, Amodei, Tiffany, Hickey, Chowning, Collins, Mortenson, Nolan, Braunlin, Dini, Bache, Parks, Evans, Lee, Gustavson, Lambert, Freeman, Price, Manendo and Krenzer. 417, 805, 818, 843,* 1740, 1766, 1972, 2167, 2325, 2326.

349 ....Authorizes special election to fill vacancies on governing body of city. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Collins, Chowning, Segerblom, Carpenter, Evans, Price, Sandoval, Manendo, Perkins, Buckley, Williams, Berman, Neighbors, Marvel, Von Tobel, Herrera, Ohrenschall, Amodei, Humke, Giunchigliani, Arberry, Bache, Lambert, Parks, Braunlin, Koivisto, Lee, Gustavson, Krenzer, Nolan and Cegavske. 430, 1098, 1123, 1492, 1494, 1498, 1539, 1559, 1613, 1642,* 2310.

350 ....Revises various provisions governing Elko Convention and Visitors Authority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 430, 664, 693, 739, 743, 1012, 1026,* 1885, 2167.

351 ....Requires adoption by public service commission of Nevada of regulations necessary to establish alternative plan of regulation of public utilities that supply natural gas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 430.

352 ....Creates council for educational technology and authorizes public schools and libraries to apply for grants for educational technology. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Ways and Means. 431.

353 ....Makes various changes regarding financing new construction, design, maintenance and repair of school facilities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Collins, Arberry, Bache, Parks, Koivisto, Goldwater, Herrera, Tiffany, de Braga, Price, Marvel, Ohrenschall, Amodei, Anderson, Freeman, Lee, Buckley, Perkins, Chowning, Collins, Manendo, Evans, Krenzer, Segerblom and Neighbors. 434, 1431, 1503, 1612, 1614, 1650, 2177, 2185, 2189, 2215, 2220, 2225,* 2647, 2650.

354 ....Makes various changes relating to campaign practices. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Arberry, Buckley, Humke, Evans, Segerblom, Herrera, Amodei, Bache, Cegavske, Krenzer, Chowning, Goldwater, Close, Von Tobel, Price, Dini, Marvel, Sandoval, Anderson, Perkins, Williams, Berman, de Braga, Neighbors, Hickey, Tiffany, Carpenter, Ernaut, Collins, Gustavson, Lee, Mortenson, Koivisto, Parks, Braunlin, Lambert, Freeman and Nolan. 434, 1142, 1172, 1219, 1246*.

355 ....Provides for voluntary examination and disclosure of certain environmental requirements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval, Carpenter, de Braga, Segerblom, Braunlin, Lee, Humke, Neighbors, Mortenson, Ohrenschall, Bache, Hettrick, Gustavson, Lambert, Hickey, Close, Koivisto, Nolan, Amodei, Chowning, Ernaut, Tiffany, Cegavske, Manendo, Berman, Perkins, Williams, Herrera, Collins, Buckley, Goldwater, Price, Anderson, Dini, Parks, Arberry, Giunchigliani, Von Tobel, Marvel, Krenzer, Evans and Freeman. 435, 1069, 1091, 1127, 1160,* 1710, 1865.

356 ....Revises provisions governing protection of children from abuse or neglect. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Humke, Evans, Von Tobel, Manendo, Anderson, Marvel, Freeman, Carpenter, Hickey, Gustavson, Mortenson, Ohrenschall, Segerblom, Lee, Neighbors, de Braga, Berman, Williams, Perkins, Arberry, Amodei, Sandoval, Cegavske, Giunchigliani, Goldwater, Herrera, Parks, Lambert, Bache, Braunlin, Close, Hettrick, Ernaut, Koivisto, Nolan, Krenzer, Dini, Tiffany, Price, Chowning and Collins. 435, 1384, 1438, 1687, 1728,* 2523, 2576, 2579.

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357 ....Designates "Silver State Fanfare" as official state march of State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 440, 613, 627, 636*.

358 ....Makes various changes relating to mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Close, Buckley, Ohrenschall, Giunchigliani, Manendo, Goldwater, Arberry, Chowning, Anderson, Segerblom, Hickey, Evans, Koivisto, Nolan and Price. 440, 938, 962, 1011*.

359 ....Makes appropriation to City of North Las Vegas for construction of multipurpose building. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 441.

360 ....Makes various changes to provisions relating to financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval. 441, 938, 963, 1011,* 1432, 1705, 1706, 1771.

361 ....Limits exercise of power of eminent domain by persons who are not public agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Amodei. 441, 639, 656, 665, 705, 715, 1109, 1128, 1159, 1170, 1202,* 1773, 1911.

362 ....Designates April 6 as Tartan Day in State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ernaut, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 442, 547, 566, 578,* 651, 694.

363 ....Revises provisions governing making of stage productions and motion pictures within this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Segerblom, Ohrenschall, Perkins, Williams, Herrera, Carpenter, Lee, Koivisto, Anderson, Krenzer, Giunchigliani, Freeman, Amodei, de Braga, Parks, Lambert, Bache, Marvel, Neighbors, Manendo, Collins, Von Tobel, Humke, Goldwater, Tiffany and Evans. 442, 1530, 1594, 1658, 1694,* 1695, 2310, 2708.

364 ....Increases amount of total value of prizes allowed for charitable lotteries in calendar year. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ernaut, Hettrick, Chowning, Mortenson, Sandoval, Cegavske, Gustavson, Braunlin, Parks, Lambert, Freeman, Bache, Anderson, Arberry, Giunchigliani, Goldwater, Herrera, Close, Humke, Amodei, Ohrenschall, Von Tobel and Marvel. 447, 463, 665, 693, 705, 714, 715,* 988, 1067.

365 ....Directs Regional Transportation Commission of Clark County and Nevada Department of Transportation to examine feasibility of constructing elevated fixed guideway system of mass transit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Collins, Parks, Lee, Koivisto, Manendo, Herrera, Nolan, Chowning, Arberry, Amodei, Bache, Giunchigliani, Ohrenschall, Goldwater, Buckley, Sandoval, Williams, Ernaut, Price, Krenzer, Hickey, Tiffany and Segerblom. 448, 988, 1017, 1078, 1104,* 2310, 2708.

366 ....Reorganizes public service commission of Nevada and makes various changes concerning regulation of utilities and governmental administration. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 448, 954, 979, 991, 1036, 1109, 1128, 1160,* 1740, 1988, 2162, 2307, 2411, 2426, 2438.

367 ....Repeals provision requiring buildings and grounds division of department of administration to advertise for bids on certain repairs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 80, 448, 613, 627, 636,* 637, 1885, 2167.

368 ....Provides county fire protection district complete control of all money raised for the district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 448.

369 ....Revises provisions governing state land use planning agency and land use planning advisory council. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 449, 987, 1019, 1078,* 1589, 1737.

370 ....Establishes domestic violence as grounds for establishing emergency jurisdiction for purposes of Uniform Child Custody Jurisdiction Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga. 449, 775, 789, 810,* 1740, 2167.

371 ....Requires construction, alteration or change in use of building or structure in this state to be in compliance with edition of National Electrical Code most recently approved by governing body of city

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or county in which building or structure is located. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors. 449, 1861, 1868, 1889, 1902,* 2574.

372 ....Makes appropriation to Health Division of Department of Human Resources for AIDS Drug Assistance Program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Goldwater, Evans and Parks. 462.

373 ....Repeals property tax exemption for certain low-income housing projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 468.

374 ....Requires budgeted funding for operation and maintenance of capital improvements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick, Chowning, Dini, Evans, Humke, Braunlin, Cegavske, Berman, Gustavson, Krenzer, Parks, Koivisto, Sandoval, Ernaut, Lee, Lambert, Freeman, Bache, Buckley, Williams, de Braga, Neighbors, Marvel, Von Tobel, Ohrenschall, Amodei, Close, Herrera, Goldwater, Tiffany, Nolan, Segerblom, Carpenter, Hickey, Anderson, Mortenson, Price, Manendo, Arberry and Giunchigliani. 468, 613, 627, 644, 839, 871, 951,* 1885, 2167.

375 ....Makes various changes concerning mental health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Arberry, Buckley, Amodei, Freeman, Bache, Tiffany, Anderson, Lee, Koivisto, Parks, Lambert, Williams, Berman, de Braga, Collins, Chowning, Nolan, Manendo, Price, Segerblom, Carpenter, Hickey, Perkins, Marvel, Herrera, Goldwater and Close. 481, 1167, 1222, 1326, 1375, 1387, 1424, 1425,* 2310, 2357, 2358.

376 ....Makes various changes relating to education. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Giunchigliani, Arberry, Goldwater, Herrera, Ohrenschall, Krenzer, Parks, Koivisto, Collins, Bache, Buckley, Amodei, Freeman, Tiffany, Anderson, Lee, Perkins, de Braga, Neighbors, Williams, Manendo, Price and Segerblom. 482, 1739, 1780, 1932, 1934,* 2662, 2666, 2667.

377 ....Creates crime of domestic isolation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 482, 954.

378 ....Establishes family-to-family connection program and creates early childhood development council to support early childhood development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 482, 742, 773.

379 ....Makes various changes concerning local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Infrastructure. 483, 775, 789, 791, 799, 823,* 2441, 2518, 2520.

380 ....Provides for sale of tax liens against parcels of real property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price. 483, 1531, 1598, 1606.

381 ....Extends protection to renters of mobile homes in mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Buckley, Manendo, Koivisto, Collins, Amodei, Close, Hickey, Bache, Lambert, Giunchigliani, Arberry, Parks, Lee, Neighbors, Evans, Williams, Segerblom, Krenzer and Price. 486.

382 ....Enhances penalty for pandering children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Close, Humke, Dini, Amodei, Von Tobel, Bache, Ohrenschall, Neighbors, Herrera, Giunchigliani, Arberry, Hettrick, Ernaut, Buckley, Lambert, Braunlin, Sandoval, Price, Koivisto, Chowning, Nolan, Cegavske, Marvel, Tiffany, Berman, Mortenson, Carpenter, Perkins, de Braga, Parks, Lee, Gustavson, Collins, Hickey, Evans, Manendo, Anderson, Freeman, Segerblom, Goldwater, Krenzer and Williams. 494, 651, 675, 682,* 988, 1067.

383 ....Revises provisions regarding speed limits in school zones and school crossing zones. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Von Tobel, Close, Marvel, Amodei, Freeman, Manendo, Hickey, Berman, Ohrenschall, Humke, Arberry, Buckley, Neighbors, Carpenter, Williams, Segerblom, Tiffany, Price, Nolan, Cegavske, Collins, Hettrick, Lambert, Parks, Koivisto and Gustavson. 494.

384 ....Revises provisions governing operation of franchises. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Cegavske, Carpenter, Gustavson, Sandoval, Manendo, Koivisto, Hickey, Hettrick, Anderson, Giunchigliani, Chowning, Mortenson, Lee, Collins, Price, Nolan, Evans, Arberry, Williams, Tiffany, Marvel, Von Tobel, Lambert, Humke, Amodei, Berman, Parks, Herrera, Close, Goldwater, Segerblom, Buckley, Ohrenschall, Bache, Neighbors, Krenzer, Dini, de Braga, Braunlin, Freeman, Ernaut and Perkins. 495, 1897, 1913, 2170, 2172*.

385 ....Provides specifically for civil liability of person who abuses, neglects or exploits older person. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman, Ohrenschall, Von Tobel, de Braga, Close, Tiffany, Segerblom, Herrera, Sandoval, Mortenson,

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Lambert, Parks, Braunlin, Koivisto, Lee, Gustavson, Cegavske, Collins, Chowning, Ernaut, Hettrick, Perkins, Buckley, Williams, Berman, Neighbors, Marvel, Amodei, Humke, Goldwater, Giunchigliani, Arberry, Anderson and Bache. 495.

386 ....Makes various changes concerning electronic communications. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Goldwater, Carpenter, Perkins, Herrera, Berman, Nolan, Tiffany, Koivisto, Gustavson, Cegavske, Parks, Hickey, Segerblom, Sandoval, Ohrenschall, Manendo, Collins, Lee, Braunlin, Lambert, Freeman, Close, Amodei, Von Tobel, Neighbors, Chowning, Price, Krenzer, Evans, Hettrick and Mortenson. 495, 805, 820, 844,* 1432, 1525, 1527, 1649.

387 ....Requires appointment of members to Rocky Mountain Presidential Primary Task Force. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 495, 878, 944, 983,* 1885, 2167.

388 ....Transfers responsibility for collection of certain fees from department of motor vehicles and public safety to department of taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 496, 1034, 1075, 1104,* 1497, 1649.

389 ....Makes appropriation for restoration of historic Logandale School. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Von Tobel. 499.

390 ....Makes appropriation for completion of building at Ely campus of Great Basin College. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Education. 505.

391 ....Decreases threshold amount for requiring approval of proposed expenditures for new construction by or on behalf of health facility in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 506.

392 ....Revises provisions governing imposition of administrative sanctions against child care facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 506.

393 ....Revises provisions relating to commemorative day for Native Americans. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Evans, Marvel, Neighbors, Von Tobel, Berman, Amodei, Goldwater, Anderson, Lambert, Parks, Koivisto, Lee, Gustavson, Sandoval, Mortenson, Collins, Hettrick, Arberry, Williams, Buckley, Humke, Nolan, Price, Braunlin, Perkins, Chowning, Herrera, Hickey, de Braga, Bache, Tiffany, Segerblom, Ohrenschall, Freeman, Manendo, Ernaut, Carpenter, Close, Krenzer, Giunchigliani and Cegavske. 508, 509,* 518, 568.

394 ....Requires policies of health insurance to provide coverage for certain digestive disorders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Evans (by request). 514, 1709, 1746, 1798,* 2240, 2320, 2322, 2708.

395 ....Makes appropriation to State Public Works Board for expansion of Project No. 97-C2. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Amodei. 514.

396 ....Requires Secretary of State to include on ballot for next general election advisory question of whether last Friday in October should be declared as legal holiday to observe Nevada Day. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Amodei. 514, 742, 773, 780, 781,* 1370, 1494.

397 ....Authorizes parents of pupil to choose which public school pupil will attend. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Gustavson, Carpenter, Von Tobel, Hettrick, Cegavske, Marvel, Hickey and Berman. 514.

398 ....Makes appropriation and provides for pilot program to facilitate availability of social workers in schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Williams, Close, Arberry, Buckley, Herrera, Goldwater, Krenzer, Giunchigliani, Segerblom and Price. 514, 543, 664, 693.

399 ....Makes various changes concerning regional planning. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Giunchigliani, Bache, Manendo, Anderson, Collins, Koivisto, Parks, Segerblom, Chowning, Ohrenschall, Price, Krenzer, Arberry, Herrera, Buckley, Neighbors, Williams, Goldwater, Perkins, Evans, Humke, Lee, Mortenson, Nolan, Amodei, Close and Freeman. 519, 1496, 1551, 1613, 1642,* 1643.

400 ....Requires refund with interest of certain deposits held by landlords of mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Goldwater, Ohrenschall, Krenzer, Manendo, Bache, Perkins, Koivisto, Braunlin, Lee, Parks, Lambert,

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Freeman, Anderson, Price, Mortenson, Herrera, Amodei, Humke, Close, Giunchigliani, Arberry, Cegavske, Sandoval, Collins, Chowning, Ernaut, Williams, Neighbors, Tiffany, de Braga, Hickey, Evans and Nolan. 526, 698, 732, 751,* 1637, 1737.

401 ....Makes various changes regarding administration of public welfare and enforcement of support for children. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 526, 848, 889, 912, 914, 1014, 1041, 1066, 1296, 1337, 1355, 1371,* 1532, 2240, 2351, 2356, 2357.

402 ....Makes appropriation to Clark County for acquisition and development of property for public safety and recreational purposes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Parks, Mortenson, Koivisto, Lee, Chowning, Segerblom, Bache, Collins, Close, Goldwater, Nolan, Manendo, Von Tobel, Williams, Herrera, Price, Tiffany, Carpenter, Amodei, Neighbors, Cegavske, Lambert, Buckley, Perkins, Ohrenschall, Krenzer, Sandoval and Braunlin. 527.

403 ....Authorizes local governments, regional transportation commissions and department of transportation to establish toll roads and toll bridges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 535, 879, 944, 983, 984,* 985, 1010, 1012, 1066*.

404 ....Makes various changes concerning operators of motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 535, 1296, 1330, 1355, 1497, 1569, 1613, 1638, 1658, 1695,* 2228, 2431.

405 ....Revises provisions governing sale of dogs and cats. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Manendo (by request). 535, 1531, 1602, 1606, 1646, 1648, 1693,* 2169, 2431.

406 ....Removes limitations on eligibility of person to be reappointed to board of trustees of Airport Authority of Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 536.

407 ....Revises provisions governing state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 536, 718, 749, 781,* 1885, 2167.

408 ....Revises provisions governing public retirement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 536, 625, 635, 644, 645,* 839, 953.

409 ....Revises provisions governing authority of state board of examiners to authorize clerk to approve contracts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 536, 838, 867, 951,* 1885, 2167.

410 ....Establishes program of health assurance to provide medical care to certain recipients of Medicaid and other low-income residents of this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 537.

411 ....Makes various changes concerning adoptions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Freeman. 537, 1168, 1225, 1282, 1531, 1640*.

412 ....Revises provisions that govern owning, possessing, transferring and receiving firearms. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Anderson, Perkins, Freeman, Von Tobel, Berman, Marvel, Ohrenschall, Amodei, Humke, Koivisto, Parks, Bache, Arberry, Giunchigliani, Goldwater, Herrera, Neighbors, de Braga, Williams, Buckley, Chowning, Mortenson, Sandoval, Cegavske, Price, Nolan, Manendo, Evans and Tiffany. 549, 975, 1006, 1067,* 1497, 1649.

413 ....Revises provisions governing property tax assistance for certain older persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 549, 551, 805.

414 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 550, 1248, 1255, 1297, 1317, 1343, 1348, 1355, 1377,* 1378, 2574, 2599, 2604.

415 ....Revises provisions governing movement of vehicle that is unattended, disabled or involved in an accident. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 550, 1740, 1782, 1867, 1876,* 2441, 2521.

416 ....Revises provisions governing operation of motor vehicle or vessel while under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Manendo, Gustavson, Nolan, Segerblom, Chowning, Price,

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Krenzer, Mortenson, Lee, Lambert, Close, Parks, Hickey, Cegavske, Von Tobel and Williams. 550, 1210, 1266.

417 ....Requires governor to proclaim week in May as Osteoporosis Prevention and Awareness Week in State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Berman, Freeman, Giunchigliani, Collins, Lee, Braunlin, Koivisto, Ernaut, Hettrick, Nolan, Manendo, Sandoval, Mortenson, Evans, Anderson, Bache, Lambert, Parks, Arberry, Goldwater, Herrera, Close, Humke, Amodei, Ohrenschall, Von Tobel, Marvel, Neighbors, Williams, Buckley, Perkins, Cegavske, Gustavson, Price, Krenzer, Chowning, Hickey, Tiffany, Segerblom and de Braga. 551, 826, 845, 887,* 1143, 1250.

418 ....Makes various changes concerning insurance coverage of health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 566.

419 ....Makes various changes to provisions governing regulation of gaming. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 571, 1098, 1123, 1127, 1327, 1375,* 1935, 2177, 2178, 2431.

420 ....Requires administrator of mental hygiene and mental retardation division of department of human resources to establish compensation of members of sanity commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 571, 879, 945, 984*.

421 ....Revises provisions concerning settlements based upon good faith. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 572, 813, 832, 872,* 1143, 1250.

422 ....Adds court administrator to advisory committee for uniform program for reporting crimes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 572, 805, 822, 833, 834,* 1211, 1324.

423 ....Provides for admissibility under certain circumstances of testimony of witness who has undergone hypnosis. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval (by request). 572, 838, 868, 951,* 1497, 1649.

424 ....Authorizes smaller counties to employ private legal counsel to prosecute or defend certain civil actions. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 572.

425 ....Revises provision governing vacancies in certain public offices in certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 573, 1651, 1714, 1746, 1763,* 2310, 2708.

426 ....Revises provisions governing issuance of general obligations to finance capital improvements for metropolitan police departments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 573.

427 ....Changes limit of time within which actions for malpractice may be commenced against accountants, accounting firms, attorneys and veterinarians. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 573, 805, 822, 834,* 1296, 1323, 1429.

428 ....Prohibits majority of members of public body from developing collective consensus on matters except in open and public meeting. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Price, Ohrenschall, Lee, Collins, Nolan, Humke, Sandoval, Manendo, Segerblom, Williams, Carpenter, Gustavson, Koivisto, Braunlin, Buckley, Evans, Cegavske, Neighbors, Amodei, de Braga, Close, Ernaut, Perkins, Anderson, Freeman, Chowning, Parks, Giunchigliani, Lambert, Mortenson, Bache, Herrera, Goldwater, Krenzer, Berman, Von Tobel, Marvel, Tiffany and Hickey. 578, 826, 845, 872.

429 ....Makes appropriation to Department of Employment, Rehabilitation and Training for programs relating to child care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Williams, de Braga, Herrera, Arberry, Goldwater, Buckley, Price, Neighbors, Freeman, Segerblom, Manendo, Berman, Bache, Amodei, Ohrenschall, Giunchigliani, Koivisto, Braunlin, Parks, Lambert, Perkins, Tiffany, Hickey, Evans, Krenzer, Cegavske, Sandoval, Mortenson, Collins, Ernaut, Hettrick and Chowning. 579, 1740, 1782, 1867, 1876,* 2240, 2340, 2341, 2708.

430 ....Makes supplemental appropriation to Division of Child and Family Services of Department of Human Resources for retroactive payments to employees of Teaching Parent Relief Program of Southern Nevada Child and Adolescent Services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 587, 776, 791, 810,* 1109, 1165.

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431 ....Makes supplemental appropriation from state highway fund to Department of Motor Vehicles and Public Safety for underbilled postage charges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 587, 879, 945, 984,* 1497, 1649.

432 ....Makes appropriation to expedite Capital Improvement Project 97-C19. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 587.

433 ....Makes appropriations to Division of Child and Family Services of Department of Human Resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 587, 1014, 1039, 1095,* 1773, 1911.

434 ....Makes supplemental appropriation from state highway fund to Administrative Services Division of Department of Motor Vehicles and Public Safety for unanticipated operating expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 588, 879, 945, 984,* 1637, 1737.

435 ....Makes appropriation for risk assessment and workload study of Division of Parole and Probation of Department of Motor Vehicles and Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 588, 939, 967, 1011,* 1531, 1707.

436 ....Provides for management of ground water in Las Vegas Valley Ground Water Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 588, 838, 868, 951, 952,* 2198, 2431.

437 ....Makes various changes to provisions governing office of secretary of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 588, 838, 869, 870, 988, 1026,* 1027, 2198, 2579, 2595.

438 ....Makes various changes regarding juveniles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 589, 975, 1007, 1067, 1079,* 1497, 1649.

439 ....Authorizes release of confidential data or information concerning protection of child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval, Anderson, Ohrenschall, Nolan, Herrera, Carpenter, Perkins, Segerblom, Berman, Collins, Koivisto, Gustavson, Chowning, Freeman, Hickey and Evans. 589, 849, 912, 970,* 1497, 1649.

440 ....Revises provisions governing nurses and nursing assistants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 589, 1098, 1127, 1160, 1161,* 1710, 1735, 1737, 1865.

441 ....Designates English as official language of State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gustavson, Hickey, Mortenson, Hettrick, Lee, Nolan, Amodei, Braunlin, Carpenter, Marvel, Von Tobel and Tiffany. 589.

442 ....Makes various changes relating to department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 607, 879, 946, 952, 1497, 1569, 1613, 1643,* 2228, 2431.

443 ....Requires that drivers' licenses and identification cards contain unique number that is not based on social security number of licensee or cardholder. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 607, 806, 822, 844,* 1497, 1649.

444 ....Revises provisions governing vehicle used as taxicab. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 607, 827, 845, 887,* 1497, 1649.

445 ....Repeals Construction Control Law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 607.

446 ....Authorizes temporary advance from state general fund for Nevada equal rights commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 607, 776, 791, 810,* 1109, 1165.

447 ....Extends prospective reversion date for appropriation previously made for perinatal care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 608, 1034, 1076, 1104,* 2523.

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448 ....Extends prospective date for reversion of appropriation made during previous session and makes appropriation to Department of Business and Industry for operating expenses of program to provide small businesses with access to financing not otherwise available. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Evans, Dini, Marvel, Arberry, Hettrick, Koivisto, Perkins, Carpenter, Lambert, Amodei, Hickey, Cegavske, Collins and Manendo. 608, 1014, 1039, 1095,* 1710, 1865.

449 ....Requires issuance and display of one license plate for motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hickey, Anderson, Chowning, Von Tobel, Cegavske, Amodei, Collins, Braunlin, Berman, Gustavson, Parks, Ohrenschall, Evans, Bache, Williams, Lee, Hettrick, Mortenson, Sandoval, Humke, Carpenter and Tiffany. 614, 1385, 1441, 1483, 1485, 1568.

450 ....Exempts State of Nevada from provisions of federal law requiring daylight saving time. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Neighbors, Ohrenschall, Herrera, Perkins, Goldwater, Arberry, Segerblom, Lee, Manendo, Bache, Parks, Mortenson, Price, Koivisto, Freeman, Collins, Williams, de Braga, Chowning, Marvel, Close, Amodei, Cegavske, Sandoval, Braunlin, Carpenter, Humke, Hickey, Nolan, Krenzer, Giunchigliani and Anderson. 616.

451 ....Provides for issuance of special license plates for support of public education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Manendo, Chowning, Segerblom, Bache, Ohrenschall, Freeman, Price, Herrera, Neighbors, Amodei, Von Tobel, Hickey, Williams, Sandoval, Buckley, Berman, Nolan, Koivisto, Gustavson, Collins, Anderson, Lambert, Cegavske, Goldwater, de Braga, Marvel, Dini, Krenzer, Mortenson, Lee, Braunlin, Parks, Evans, Close, Giunchigliani, Arberry, Humke and Tiffany. 616, 1108, 1137, 1159, 1688, 1728,* 2441, 2524, 2525.

452 ....Makes various changes to provisions relating to state lands. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 617, 987, 1021, 1023, 1036, 1067, 1079,* 1589, 1737.

453 ....Revises provisions governing adjustment of apportionments from distributive school account to compensate for delinquent taxes on certain property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors. 633, 1489, 1504, 1570,* 2198, 2596.

454 ....Eliminates authority of municipality to propose issuance or incurrence of general obligation bonds at primary elections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Close, Lee, Mortenson, Parks, Amodei, Neighbors, Segerblom, Marvel, Hettrick, Herrera and Carpenter. 633, 1530, 1606, 1658, 1695,* 2523.

455 ....Urges regional transportation commissions and local governments to advertise locations of proposed new roads. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Humke, Evans, Lambert, Hettrick, Von Tobel, Gustavson, Segerblom, Collins, Parks, Herrera, Koivisto, Lee, Manendo, Giunchigliani, Anderson, Buckley, Marvel, Williams, Goldwater, Braunlin, Close, Mortenson, Neighbors, Tiffany, Amodei, Bache, Chowning, Arberry, Carpenter and Sandoval. 634, 1797, 1811, 1815, 1867, 1876,* 2366, 2708.

456 ....Provides additional penalty for violation of speed limit in area designated as temporary traffic control zone for construction, maintenance or repair of highway. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 634, 954, 979, 1027,* 1935, 2178, 2431.

457 ....Makes various changes concerning person convicted of misdemeanor who is released on suspended sentence or residential confinement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 634, 975, 1008, 1067, 1079,* 1935, 2178, 2184, 2431.

458 ....Authorizes certain documents concerning search warrants to be sealed. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 634, 879, 946, 970,* 1531, 1707.

459 ....Revises provisions governing examination and disclosure of certain records of public utilities, motor carriers or brokers by public service commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache. 635, 878, 946, 984, 985*.

460 ....Requires interlocal agreement to provide job placement services to employers and recipients of certain welfare benefits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 636, 938, 968, 1010, 1011,* 1012, 2198, 2233, 2431.

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461 ....Creates committee to study funding of higher education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Elections, Procedures, and Ethics. 640.

462 ....Provides for credit against certain gaming fees for gaming licensees who develop affordable housing and clarifies that certain transfers of gaming devices are not taxable transactions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Buckley, Goldwater, Perkins, Giunchigliani, Herrera, Williams, Manendo, Freeman, Amodei, Lee, Koivisto, Braunlin, Lambert, Bache, Hettrick, Ernaut, Collins, Chowning, Mortenson, Sandoval, Krenzer, Price, Cegavske, Evans, Hickey, Tiffany, Segerblom, Marvel, Neighbors, de Braga, Berman, Arberry and Anderson. 640, 1296, 1332, 1334.

463 ....Makes appropriation to legislative fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 652, 776, 786, 791, 810, 811,* 1085, 1130.

464 ....Makes various appropriations for certain facilities for children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 652, 1965, 1975, 1987, 2170, 2172,* 2574, 2645.

465 ....Makes appropriation and extends prospective date for reversion of appropriation made during previous session for California-Nevada Super Speed Ground Transportation Commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 652, 1740, 1783, 1867, 1877,* 2678.

466 ....Authorizes employers to request medical examinations of injured workers and requires that certain tests of injured workers be performed pursuant to national standards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Krenzer, Evans, Arberry, Hettrick, Manendo, Price, Cegavske, Sandoval, Mortenson, Collins, Chowning, Ernaut, Anderson, Lambert, Parks, Braunlin, Koivisto, Tiffany, Hickey, Lee, Carpenter, Goldwater, Herrera, Williams, Buckley, Neighbors, Giunchigliani, Von Tobel, Berman, Ohrenschall, Amodei, Perkins and Close. 652, 1652, 1716, 1746, 1763, 1764,* 2198, 2323, 2708.

467 ....Requires medical review of certain tests of injured workers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Krenzer, Evans, Arberry, Hettrick, Manendo, Price, Cegavske, Sandoval, Mortenson, Collins, Chowning, Ernaut, Anderson, Freeman, Lambert, Parks, Braunlin, Koivisto, Lee, Gustavson, Tiffany, Hickey, Carpenter, Goldwater, Herrera, Williams, Buckley, Giunchigliani, Von Tobel, Berman, Ohrenschall, Amodei, Perkins and Close. 653.

468 ....Revises provisions governing credits earned at community college. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 653, 1069, 1094, 1109, 1128, 1135, 1139,* 2193, 2204, 2431.

469 ....Requires department of education and school districts to adopt statewide automated system of information concerning pupils and requires department, school districts and public schools to comply with certain provisions of federal law. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Tiffany, Williams, Marvel, Close, Humke, Hickey, Carpenter, Segerblom, Neighbors, Berman, Buckley, Hettrick, Ernaut, Evans, Giunchigliani and Arberry. 653, 1353, 1413, 1434, 1489,* 1773, 1911.

470 ....Makes changes concerning special incentive tags for certain wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 665, 1142, 1176, 1219, 1246,* 1867, 1886, 1888, 2198, 2208, 2236, 2310, 2708.

471 ....Makes various changes concerning dentistry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Krenzer, Herrera, Collins, Evans, Perkins, Amodei, Manendo, Williams, Chowning, Freeman, Hickey, Mortenson, Hettrick, Sandoval, Cegavske, Price, Close, Ohrenschall, Buckley, Bache, Parks, Lee, Humke, Giunchigliani, Marvel, Goldwater, Lambert, Braunlin, Koivisto, Gustavson, Nolan, Arberry, Carpenter, Segerblom, de Braga, Ernaut, Dini, Tiffany, Von Tobel, Berman, Anderson and Neighbors. 666, 848, 913, 970, 971,* 2240, 2272, 2273, 2708.

472 ....Requires garages that repair motor vehicles to register with department of motor vehicles and public safety and creates advisory board on repair of motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Chowning, Anderson, Ohrenschall, Collins, Manendo, Hettrick, Parks, Herrera, Arberry, Cegavske, Perkins, Buckley, Von Tobel, Freeman, Hickey, Bache, Giunchigliani, Krenzer, Nolan, Mortenson, Price, Evans, Dini, Segerblom, Williams, Goldwater, de Braga, Berman, Neighbors, Amodei, Lee, Braunlin, Gustavson, Koivisto, Marvel, Humke and Close. 666, 1210, 1272, 1275, 1740, 1798,* 2228, 2431.

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473 ....Abolishes family court in county whose population is 400,000 or more. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 680.

474 ....Makes appropriations to Storey County to repair damage resulting from vandalism of Virginia City Cemetery and to Lyon County for costs related to building fence around Stockton Wells Station. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 680, 1797, 1811, 1816, 1867, 1877,* 2678.

475 ....Increase academic requirements for justices of the peace in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley. 682, 1069, 1094, 1104,* 1105.

476 ....Provides exemption from taxes for real and personal property of certain apprentice programs. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 704, 988, 1021, 1023, 1798, 1811, 1839, 1867, 1877,* 2228, 2431.

477 ....Requires certain policies of health insurance to include coverage for management and treatment of diabetes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 704, 1251, 1303, 1329, 1342,* 1531, 1703, 1707.

478 ....Makes various changes to provisions governing elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Giunchigliani. 704, 1132, 1149, 1170, 1202*.

479 ....Revises provisions governing computation of business tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. de Braga. 705.

480 ....Makes appropriation to pay certain obligations of White Pine County School District. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. de Braga. 711, 1797, 1811, 1816, 1862, 2340.

481 ....Makes various changes regarding retirement benefits of police officers and firemen. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. de Braga, Neighbors, Segerblom, Collins, Chowning, Evans, Price, Koivisto, Braunlin, Parks, Ohrenschall, Lee, Bache, Anderson, Arberry, Giunchigliani, Goldwater, Amodei, Manendo and Berman. 720.

482 ....Authorizes operation or maintenance of certain motor vehicles on highways of this state which are propelled by special fuel that is dyed and exempt from tax imposed on that fuel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 720, 2192, 2194, 2219, 2224,* 2366, 2708.

483 ....Requires advocate for customers of public utilities to perform certain duties concerning telecommunication services in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 721, 1326, 1357, 1359, 1688, 1728*.

484 ....Revises provisions governing certain procedures for summary eviction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 721, 1033, 1076, 1105, 1170, 1202, 1219, 1246,* 2574, 2596.

485 ....Revises provisions governing immunity for person engaging in good faith communication in furtherance of right to petition. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Anderson, Buckley, Manendo, Perkins, Segerblom, Herrera, Collins, Berman, Koivisto, Carpenter, Sandoval, Amodei, Bache, Arberry, Chowning, Evans, Williams, Hickey, Price, de Braga, Giunchigliani, Close, Marvel, Neighbors, Humke, Goldwater, Parks, Krenzer, Mortenson and Lee. 739, 1210, 1275, 1297, 1318, 1319,* 2228, 2431, 2504.

486 ....Revises provisions governing truancy of pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Education. 745, 1326, 1359, 1365, 1798, 1811, 1840, 1867, 1877,* 2611, 2613, 2627, 2630, 2633, 2636, 2641, 2643, 2644.

487 ....Authorizes department of motor vehicles and public safety to issue permit to certain persons to operate privately owned vehicle as authorized emergency vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, de Braga, Segerblom, Humke, Manendo and Gustavson. 746.

488 ....Provides for collection of child support by private collection agencies under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Anderson, Freeman, Price, Nolan, Carpenter, Sandoval, Manendo, Koivisto and Perkins. 746.

489 ....Requires fluoridation of certain public water systems under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 746, 1168, 1230.

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490 ....Provides for limitation of urban development in Las Vegas Valley of Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Infrastructure. 746, 1168, 1230, 1236, 1327, 1376*.

491 ....Increases compensation of legislators. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 747, 1687, 1718, 1746, 2305, 2367, 2369, 2662,* 2663.

492 ....Requires welfare division of department of human resources to establish and maintain system of protective services for older persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 747.

493 ....Expands authority of division of child and family services of department of human resources to regulate certain facilities that detain or provide alternative care to children. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 747, 1252, 1306, 1310.

494 ....Prohibits dealer of motor vehicles from obtaining duplicate certificate of ownership of motor vehicle under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Tiffany, Hickey, Carpenter, Neighbors, Amodei, Humke, Close, Herrera, Buckley, Arberry, Berman, Parks, Gustavson, Lee, Chowning, Nolan, Mortenson, Manendo, Von Tobel and Ohrenschall. 747, 1296, 1334, 1355, 1378, 1434, 1491,* 2240, 2328, 2329, 2363, 2364, 2708.

495 ....Increases amount of bond required of vehicle manufacturers, distributors, dealers and rebuilders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 766, 1296, 1334, 1355, 1378*.

496 ....Makes various changes concerning salvage of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 766, 1589, 1634, 1637, 1658, 1695,* 2310.

497 ....Prohibits person from carrying or possessing dangerous knife while on property of school. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 767, 1210, 1275, 1297, 1319,* 1320, 1337, 1344, 1347, 1396, 1425, 1428, 1434, 1489*.

498 ....Requires arbitration of certain liens relating to residential dwellings. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Goldwater (by request). 767, 1530, 1607, 1658, 1695*.

499 ....Authorizes department of transportation to contract for private establishment of certain toll roads and bridges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Berman, Segerblom, Hettrick, Manendo, Lee, Collins and Chowning. 767, 1797, 1811, 1817, 1818, 1867, 1877, 1878,* 2165*.

500 ....Revises provisions governing administration of state sheep inspection account and account for control of predatory animals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 767, 1142, 1177, 1219, 1246,* 1497, 1649.

501 ....Revises various provisions governing investment of proceeds of certain bonds and apportionment of certain costs of metropolitan police departments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ernaut. 768, 1210, 1276, 1279, 1384, 1487,* 2441, 2475, 2479.

502 ....Makes various changes to provisions governing administration and payment of benefits for industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 777.

503 ....Makes various changes to provisions governing eligibility for and payment of benefits for workers' compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 777.

504 ....Makes various changes to provisions governing industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 778, 1935, 1937, 2170, 2172,* 2432, 2439, 2440.

505 ....Revises requirements for imposition of solvency surcharge for state industrial insurance system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 778.

506 ....Revises provisions concerning involuntary termination of employment. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 778.

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507 ....Clarifies authority of governing body to maintain local improvement projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 779.

508 ....Revises provisions governing authority of certain local governments to regulate and impose fees on certain utilities and provide services of certain utilities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 779, 1108, 1137, 1161,* 2441, 2479, 2501.

509 ....Makes appropriation to Division of State Lands of State Department of Conservation and Natural Resources for purchase of property available in Capitol Complex. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 779, 975, 1009, 1027,* 1168, 1293.

510 ....Increases per diem for state officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 779, 1252, 1310, 1329, 1342,* 1343, 1773, 1911.

511 ....Makes various changes relating to regulation of fireworks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Chowning, Cegavske, Von Tobel, Krenzer, Giunchigliani, Marvel, Price, Goldwater, Dini, Hickey, Buckley, de Braga, Ohrenschall, Evans, Bache, Freeman, Parks, Braunlin, Koivisto, Lee, Mortenson, Sandoval, Manendo, Herrera, Ernaut, Hettrick, Neighbors, Tiffany, Amodei, Berman, Anderson, Perkins and Williams. 780, 1142, 1178, 1327, 1376*.

512 ....Revises provisions relating to contractors who construct residential swimming pools or spas. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Lee, Hickey, Tiffany, Parks, Amodei, Mortenson, Braunlin, Williams, Neighbors, Perkins, Bache, Humke, Von Tobel, Carpenter, Sandoval, Gustavson, de Braga, Marvel, Evans, Koivisto, Hettrick, Price, Chowning, Cegavske, Manendo, Freeman, Goldwater, Giunchigliani, Ohrenschall, Krenzer, Lambert, Herrera and Buckley. 784, 1132, 1153, 1170, 1203,* 2198, 2234, 2235, 2431.

513 ....Revises provisions governing Senior Citizens' Property Tax Assistance Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 806, 1296, 1335, 1355, 1376,* 1740, 2167.

514 ....Revises provisions governing eligibility for retirement for certain members of public employees' retirement system. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Elections, Procedures, and Ethics. 806.

515 ....Enhances penalty for gross misdemeanors committed on school property, on school bus or at bus stop. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Koivisto, Herrera, Gustavson, Ohrenschall, Sandoval, Anderson, Buckley, Carpenter, Nolan, Manendo, Cegavske, Collins, Lee, Parks, Lambert, Chowning, Freeman, Bache, Giunchigliani and Krenzer. 806, 1251, 1311, 1329, 1343,* 1867, 2167.

516 ....Requires operators of exploration projects or mining operations to pay fee for ground water used for exploration project or mining operation under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman (by request). 806.

517 ....Revises provisions relating to abatement of public nuisances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Freeman and Lee. 807, 1132, 1154, 1170, 1203,* 2193, 2204, 2208, 2431.

518 ....Requires courts to provide information to school districts regarding pupils who have unlawfully caused or attempted to cause serious bodily injury to another person. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Education. 807, 1957, 1962,* 2228, 2431.

519 ....Makes appropriation to Health Division of Department of Human Resources for continuation of program developed by perinatal substance abuse subcommittee of Advisory Board on Maternal and Child Health. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 807, 1648, 1661, 1710, 1731,* 2678.

520 ....Clarifies provisions governing administration of sales and use taxes to ensure that retailers of large appliances collect sales tax on retail sales price. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 814, 1108, 1138, 1200,* 1637, 1737.

521 ....Makes various changes relating to availability and portability of health insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 815, 1141, 1178, 1197, 1568, 1640, 1658, 1696,* 2198, 2323, 2325, 2326.

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522 ....Makes various changes regarding mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 815, 1251, 1311, 1329, 1343,* 1740, 1767, 2167.

523 ....Revises provisions governing achievement and proficiency examinations and extends period of authorized expenditure and revises prospective date of reversion of appropriations made during previous legislative session to pay costs relating to examinations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 815, 1142, 1197, 1239,* 1867, 2597, 2611, 2645, 2669, 2672, 2680.

524 ....Requires development of criteria for certain business plans for use in future state budget processes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 816, 1133, 1155, 1170, 1203, 1204,* 2198, 2598.

525 ....Revises provisions relating to certain taxes on motor vehicle fuel and special fuel and use of certain sales and use taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 816, 1168, 1236, 1296, 1343,* 1344, 2240, 2282, 2287, 2367, 2406, 2411, 2523, 2528, 2610, 2662.

526 ....Revises provision governing installation of water meters in certain cities and towns. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 828, 1132, 1156, 1170, 1204*.

527 ....Requires timely payments to design professionals on public works. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 828, 1167, 1237, 1282, 1285,* 2310, 2708.

528 ....Provides criteria for relief from inequitable assessment of property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Braunlin, Ernaut, Price, Sandoval, Parks, Chowning, Lambert, Amodei, Neighbors, Mortenson, Von Tobel, Carpenter, Nolan, Bache, Collins, Lee, Koivisto and Gustavson. 828, 1133, 1156, 1171.

529 ....Provides for issuance of special license plates that encourage donation of human organs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Braunlin, Chowning, Parks, Sandoval, Lambert, Amodei, Mortenson, Von Tobel, Neighbors, Carpenter, Nolan, Bache, Koivisto, Gustavson, Collins, Lee and Anderson. 839, 1034, 1077, 1095,* 1825, 2310, 2708.

530 ....Revises certain provisions regarding court administrator. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 839.

531 ....Makes various changes concerning geologists and revises qualifications of director of bureau of mines and geology. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Sandoval. 840, 1897, 1915, 2170, 2172,* 2310, 2708.

532 ....Makes appropriation to Enterprise Community Federal Credit Union for economic development of Enterprise. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 840.

533 ....Makes changes to provisions governing offenders' store fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 840, 988, 1021, 1036, 1067, 1079,* 1773, 1911.

534 ....Clarifies provisions governing connection and activation of electrical systems in manufactured homes, mobile homes and commercial coaches. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors. 840.

535 ....Revises provisions governing liability of retailer for sales tax on uncollected portion of sales price of sale. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 849, 1296, 1335, 1355, 1378,* 1740, 2167.

536 ....Provides exemption from certain sales and use taxes and property tax for certain publicly displayed works of art. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 849, 1108, 1138, 1201,* 1206, 1212, 1247,* 2441, 2521, 2522.

537 ....Creates alternative to existing agricultural extension programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 849, 1370, 1415, 1421.

538 ....Makes dog racing unlawful in certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 850, 1108, 1138, 1161,* 1773, 1906, 1907, 2431.

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539 ....Makes various changes to provisions governing housing division of department of business and industry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Government Affairs. 850.

540 ....Revises provisions governing certain lands that Colorado River commission may purchase or acquire from Federal Government. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 850, 1897, 1916, 2170, 2172, 2173,* 2574.

541 ....Makes various changes regarding mobile homes, mobile home parks and persons who install, rebuild or service mobile homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Manendo, Buckley, Ohrenschall, Close, Koivisto, Price, Nolan, Segerblom, Collins, Herrera, Krenzer, Chowning, Bache, Williams, Perkins, Mortenson and Giunchigliani. 850, 1889, 1894, 1897, 1914, 1928, 1964, 1969, 2185, 2191,* 2310, 2708.

542 ....Authorizes issuance of identification cards to seasonal residents of State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Cegavske. 851, 1572, 1608, 1658, 1696,* 2700.

543 ....Revises provisions relating to rights of licensed educational personnel regarding certain disciplinary procedures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom, Evans, Williams, de Braga, Ohrenschall, Neighbors, Mortenson, Parks, Buckley, Herrera, Arberry, Koivisto, Chowning, Collins, Von Tobel, Anderson, Manendo, Perkins, Hickey, Freeman, Lee, Giunchigliani, Price and Krenzer. 888, 1634, 1661, 1710, 1731*.

544 ....Makes appropriation to Department of Transportation for construction of bridge at Hafed Crossing in Storey County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Dini. 888.

545 ....Revises provisions governing operation of vehicles in passenger service without a certificate of public convenience and necessity. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 888, 1353, 1415, 1434, 1490, 1539, 1932, 1937, 1959, 2170, 2173,* 2366.

546 ....Revises provisions governing licensing of short-term lessors of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 889, 1211, 1276, 1421, 1434, 1490,* 2310, 2708.

547 ....Requires state public works board to adopt criteria and procedures to determine qualifications of applicants to be bidders on contracts for public works projects of this state. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 889, 1709, 1746, 1761, 1904, 1905,* 2310, 2708.

548 ....Revises provisions that prospectively authorize private carriers to issue policies of industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 889, 1168, 1238, 1285,* 1589, 1737.

549 ....Regulates access to and use of genetic information of person. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Ernaut, Berman, Hettrick, Perkins, Buckley, Williams, Marvel, Von Tobel, Ohrenschall, Amodei, Humke, Close, Herrera, Goldwater, Giunchigliani, Arberry, Anderson, Bache, Freeman, Lambert, Parks, Braunlin, Koivisto, Lee, Gustavson, Cegavske, Sandoval, Mortenson, Collins, Chowning, Evans, Manendo, Nolan and Price. 940, 1530, 1610, 1693, 1702, 1710, 1732, 1801, 1802,* 2169, 2431.

550 ....Extends prospective date for reversion of appropriation made during previous session to Department of Education for development and implementation of computer system for licensing of teachers and other educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 940, 1133, 1156, 1201,* 1773, 1911.

551 ....Revises provisions governing release of certain records of department of motor vehicles and public safety to certain investigators and insurers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 955.

552 ....Revises provisions governing fees collected by department of motor vehicles and public safety for issuance and renewal of certain special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 956, 1802, 1811, 1818, 1867, 1878,* 2366.

553 ....Makes various changes to provisions governing prohibited campaign practices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Elections, Procedures, and Ethics. 956, 1709, 1749, 1798, 1803*.

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554 ....Revises provisions governing recognition of marriages performed within Indian reservations and colonies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 956.

555 ....Makes various changes concerning liability for and laws governing noise from shooting ranges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 956.

556 ....Clarifies provisions governing taxes on rental of transient lodging. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 957, 1133, 1156, 1201,* 1740, 1888, 2167.

557 ....Requires board for child care to adopt certain requirements regarding preparedness for emergencies at child care facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache, Anderson, Giunchigliani, Neighbors, Koivisto, Humke, Berman, Freeman, Collins, Manendo, Buckley, Segerblom, de Braga, Lambert, Parks, Lee, Braunlin, Mortenson, Herrera, Amodei, Williams, Ohrenschall, Krenzer, Evans, Sandoval, Chowning, Price, Dini, Ernaut, Close, Perkins and Cegavske. 957, 1352, 1416, 1434, 1490,* 1885, 2167.

558 ....Makes appropriation to Clark County School District for continuation of pilot program for instruction of pupils whose primary language is not English. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Chowning, Herrera, Goldwater, Krenzer, Cegavske, Close, Von Tobel, Giunchigliani, Evans, Collins, Mortenson, Sandoval, Gustavson, Lee, Koivisto, Parks, Buckley, Bache, Price, Anderson, Amodei, de Braga, Hickey, Neighbors and Hettrick. 957, 1687, 1719, 1761,* 1762, 2678.

559 ....Establishes task force for development of standards for equitable educational opportunity for pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Chowning, Herrera, Evans, Collins, Koivisto, Parks, Buckley, Bache, Price, Cegavske, Anderson, Gustavson, Amodei, de Braga and Neighbors. 957, 1326.

560 ....Increases salaries of certain constitutional officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 982, 1142, 1197, 1239,* 1240, 1773, 1911, 2306.

561 ....Establishes commission to review compensation of legislators. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 982.

562 ....Authorizes combinations and reapportionments of special assessments in local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1037.

563 ....Authorizes local government employee-management relations board to issue subpoenas for purposes relating to discovery. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1037, 1142, 1197, 1240*.

564 ....Revises certain provisions governing establishment by department of transportation of system of communication for members of traveling public. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Arberry, Chowning, Herrera, Giunchigliani, Williams, Perkins, Price, Berman, Evans, Anderson, de Braga, Bache and Freeman. 1037, 1740, 1783, 1863.

565 ....Prohibits public utility that furnishes telephone service from terminating access to 911 emergency telephone number or other emergency telephone service after service is terminated for nonpayment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Williams, Herrera, Giunchigliani, Perkins, Price, Anderson, Berman, de Braga, Evans, Freeman and Chowning. 1037.

566 ....Allows municipality to assess certain leasehold interests within local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Infrastructure. 1037, 1530, 1610, 1658, 1696*.

567 ....Provides for prospective expiration of certain provisions authorizing issuance of special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1070.

568 ....Directs Regional Transportation Commission of Clark County and Nevada Department of Transportation to examine feasibility of constructing elevated fixed guideway system of mass transit in certain parts of Las Vegas Valley. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 1070, 1353, 1418, 1434, 1490*.

569 ....Regulates manner of displaying tobacco and products related to use of tobacco in retail establishments that are open to minors. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Cegavske, Giunchigliani, Krenzer, Hettrick, Gustavson, Lambert, Humke,

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Amodei, Arberry, Williams, Lee, Close, Von Tobel, Goldwater, Marvel, Price, Manendo, Nolan, Mortenson, Koivisto, Parks, Braunlin, Bache, Anderson, Herrera, Chowning, de Braga, Evans, Buckley, Carpenter and Sandoval. 1070.

570 ....Authorizes creation of maintenance districts or units of assessment for maintenance of landscaping, public lighting and security walls. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Infrastructure. 1086, 1657, 1719, 1746, 1764,* 2441, 2503.

571 ....Provides in skeleton form for temporary program of voucher schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Gustavson, Cegavske, Tiffany, Von Tobel, Berman, Marvel, Carpenter and Hettrick. 1086.

572 ....Permits ophthalmologist and optometrist to cooperate in formation of professional corporation or professional association. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Chowning, Price, Hettrick, Koivisto, Evans, Goldwater, Krenzer, Lambert, Segerblom, Tiffany, Ernaut, Neighbors, Bache, Herrera, Ohrenschall, Cegavske and Parks. 1086.

573 ....Authorizes board of wildlife commissioners to accept sealed bids for or to auction certain number of wild turkey tags each year. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 1102, 1252, 1315, 1344,* 1710, 1767, 1768, 2167.

574 ....Establishes certain requirements for any contract entered into by welfare division of department of human resources for distribution of checks for public assistance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1102, 1252, 1315, 1316, 1634, 1693, 1700, 1710, 1732,* 2240, 2610.

575 ....Designates official colors for reproduction or facsimile of state seal. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1102.

576 ....Makes various changes concerning state securities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1102, 1251, 1316, 1344,* 2441, 2502.

577 ....Revises provisions governing actions for malpractice and screening panels for medical or dental malpractice claims. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1109, 1327, 1365, 1423,* 1810, 1911.

578 ....Makes various changes concerning regulation of insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 1109, 1431, 1504, 1538, 1571, 1798, 1811, 1855, 1858, 1964, 1970, 2170, 2173,* 2310, 2329, 2330, 2530.

579 ....Provides for regulation of risk-based capital of insurers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1110.

580 ....Makes various changes relating to property rights. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1110, 1530, 1611, 1658, 1696*.

581 ....Makes various changes concerning certain transactions relating to public utilities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1110, 1530, 1539, 1557, 1559, 1651, 1728,* 2441, 2502, 2503.

582 ....Revises provisions regarding polygraphic examination of peace officer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1111, 1797, 1811, 1828, 1867, 1878*.

583 ....Makes various changes regarding agricultural associations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 1111, 1589, 1662, 1710, 1732,* 1885, 2167.

584 ....Makes various changes concerning persons less than 21 years of age driving under the influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1111, 1327, 1366, 1368, 1740, 1798, 1889, 1902, 1914, 1929,* 2310.

585 ....Revises provisions governing property taxes on leasehold interests, possessory interests, beneficial interests and beneficial uses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors. 1111, 1384, 1483, 1502, 1510,* 1740, 2167.

586 ....Makes appropriation to Women in Military Service for America Memorial Foundation, Inc., for support of construction of memorial in Arlington National Cemetery. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1135, 1740, 1784, 1811, 1858,* 2678.

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587 ....Makes supplemental appropriation to Nevada Athletic Commission for unexpected operating expenses and salaries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1135, 1327, 1368, 1423,* 1773, 1911.

588 ....Limits circumstances under which local government may provide certain public services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1135.

589 ....Provides for issuance of special license plates indicating employment as professional firefighter. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 1136, 1432, 1505, 1538, 1571,* 2228, 2431, 2524.

590 ....Provides for issuance of special license plates indicating support for Juvenile Diabetes Foundation International and Sickle Cell Disease Association of America. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 1136, 1385, 1484, 1502, 1511,* 1825, 2678.

591 ....Provides for special endorsement on driver's license that designates use of license as critical to person's employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1136.

592 ....Makes appropriation to Nevada Partners for costs associated with expansion of job training program to counties in addition to Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Williams, Herrera, Krenzer, Arberry, de Braga, Neighbors, Ohrenschall, Goldwater, Giunchigliani, Anderson, Bache, Freeman, Lambert, Parks, Braunlin, Koivisto, Lee, Cegavske, Sandoval, Mortenson, Collins, Chowning, Ernaut, Perkins, Buckley, Manendo, Price and Segerblom. 1136.

593 ....Creates statewide advisory committee for breast and cervical cancer control and prevention program and makes appropriations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Williams, de Braga and Berman. 1137.

594 ....Provides for authorization of certain work performed below high water mark of navigable rivers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick and Dini. 1147, 1589, 1664, 1710, 1732,* 1885, 1966, 2167.

595 ....Revises provisions governing civil liability of public and private employers for intentional conduct of employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1147, 1327, 1368, 1387, 1396, 1425,* 2366, 2411, 2708.

596 ....Creates Incline Village school district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Ernaut. 1147, 2340, 2341, 2435, 2437,* 2574.

597 ....Creates committee to assist school districts in early identification and development of minority teacher candidates within State of Nevada and makes appropriation to Department of Education to carry out goals of committee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Education. 1147.

598 ....Increases authorized travel expenses for certain employees at specified correctional centers and conservation camps. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 1148.

599 ....Revises provisions governing system for reporting of information on cancer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 1159, 1384, 1484, 1502, 1511,* 1885, 2167.

600 ....Provides for establishment of county hospital district that includes territory within more than one county. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 1159, 1327, 1368, 1423,* 1424, 1885, 1933, 2431.

601 ....Revises provisions governing elections in irrigation districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 1169, 1657, 1722, 1746, 1764,* 1885, 2167.

602 ....Extends prospective date for reversion of appropriation made during previous session to Division of Forestry of State Department of Conservation and Natural Resources and makes certain related appropriations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 1170, 1735, 1752, 1798, 1803,* 2310, 2598, 2599.

603 ....Revises provisions regarding printing services for state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom, Williams, Herrera, Koivisto, Manendo, Berman, Collins, Ohrenschall, Arberry, Giunchigliani, Goldwater, Parks,

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Mortenson, Lee, Freeman, Chowning, Neighbors, de Braga, Buckley, Lambert, Bache, Evans and Price. 1206.

604 ....Removes authorization for certain counties to levy and collect sales and use tax to provide revenue for district for control of floods. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1206.

605 ....Revises provisions for municipal court of City of Las Vegas. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1206, 1496, 1557, 1641*.

606 ....Makes appropriations to University and Community College System of Nevada for improvement of education through interactive computer programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1217, 1531, 1611, 1693, 1694,* 1867, 2167, 2312.

607 ....Revises provisions governing funding of programs provided by division of child and family services of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1217, 1648, 1664, 1710, 1732,* 1733, 2678.

608 ....Provides for representation of employee of metropolitan police department before civil service board of department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1217, 1431, 1506, 1538, 1571,* 2310, 2708.

609 ....Makes various changes to provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 1218, 1765, 1784, 1905, 1937, 1962,* 2228.

610 ....Provides in skeleton form for royalty on wagering on collegiate sporting events involving collegiate institutions within and outside Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price (by request). 1218.

611 ....Proposes imposition of sales tax on sales of items purchased by state and local governments for resale to public. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1218, 1710, 1753, 1755, 1912, 1914, 1929,* 2228, 2431.

612 ....Prohibits sale or use of certain highly flammable refrigerants. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 1252, 1974*.

613 ....Clarifies and expands procedures available for collection of taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1252, 1710, 1755, 1798, 1803,* 2310, 2341, 2708.

614 ....Prohibits certain persons from bringing dangerous weapons into public buildings. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1297.

615 ....Requires applicant for license to practice law in this state to submit set of his fingerprints to State Bar of Nevada for forwarding to Federal Bureau of Investigation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1297, 1588, 1665, 1710, 1733,* 1895, 2167.

616 ....Imposes separate tax on lodging to support Tahoe-Douglas Visitor's Authority and makes various changes to Douglas County Lodgers Tax Law. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1297, 2239, 2287, 2367, 2370,* 2607.

617 ....Establishes deemed wages for managers of limited-liability companies for purposes of industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 1298, 1932, 1937, 1940, 2170, 2173,* 2310, 2708.

618 ....Revises provisions governing issuance of buck tags for hunting certain deer to youthful and elderly applicants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 1321, 1772, 1811, 1830, 1867, 1878,* 1879.

619 ....Makes appropriation for management of estray horses in Virginia Range area in northern Nevada and creates special account for money appropriated. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Natural Resources, Agriculture, and Mining. 1322, 1648, 1665, 1710, 1733,* 2678.

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620 ....Clarifies provision regarding prohibition of nonsecular activities in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 1328.

621 ....Revises provisions governing revocation of gaming licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1328.

622 ....Makes various changes in preparation for transition from traditional system of regulation to competitive market for electric service. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Braunlin, Dini, Bache, Ernaut, Lee, Williams, Tiffany, Hickey, Mortenson, Neighbors, Parks, Amodei, Nolan, Carpenter, Cegavske, Collins, Marvel, Von Tobel, Giunchigliani, Gustavson, Goldwater, Buckley, Segerblom, Price, Perkins, Chowning, Herrera, Anderson, Humke, Freeman, de Braga, Close, Hettrick, Ohrenschall, Berman, Manendo and Krenzer. 1328, 1765, 1788, 1789, 2367, 2370, 2435,* 2611.

623 ....Increases penalty for passing stopped school bus. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 1328, 1497, 1539, 1557, 1641,* 2310, 2708.

624 ....Makes appropriation to Department of Museums, Library and Arts for sculpted bust of former Assemblyman Marvin Sedway. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1355, 1568, 1569*.

625 ....Makes appropriation to Department of Transportation for construction of bridge east of Vista Interchange of Interstate Highway No. 80. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1356, 1957, 1958, 1959, 2170, 2173,* 2174, 2678.

626 ....Makes various changes concerning health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1371, 1588, 1666, 1710, 1733,* 1867, 2167.

627 ....Makes various changes relating to mobile homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Ohrenschall, Close, Perkins, Buckley, Manendo, Bache, Arberry, Giunchigliani, Amodei, Price, Collins and Anderson. 1387.

628 ....Revises provisions governing number of justices of the peace authorized in certain townships. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1387, 1588, 1668, 1710, 1733,* 2240, 2258, 2708.

629 ....Authorizes creation of local improvement district for street beautification project. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Infrastructure. 1388.

630 ....Revises provisions for preparation and distribution of fiscal notes for constitutional amendments and statewide measures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 1388, 1739, 1789, 1867, 1879,* 2310, 2708.

631 ....Makes various changes concerning legislative counsel bureau. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 1388, 1657, 1725, 1762,* 2228, 2431.

632 ....Revises provisions relating to appointment of legislative auditor, legislative counsel and research director of legislative counsel bureau. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 1388, 1889, 1890, 1914, 1929*.

633 ....Revises provisions governing liens. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1389, 1714, 1756, 1798, 1804,* 2310.

634 ....Requires owner of private property to maintain historical marker provided by nonprofit organization in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1433, 1709, 1756, 1798, 1804,* 2198, 2431.

635 ....Makes appropriation to Clark County School District for establishment of full-service school center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1433.

636 ....Makes appropriation to Department of Administration for support of amateur athletics and recreational programs in certain larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1433, 1932, 1937, 1941, 2170, 2174,* 2678.

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637 ....Makes appropriation to Department of Education for support of "We the People...Project Citizen" program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1434, 1687, 1725, 1762,* 2678.

638 ....Revises provisions for community redevelopment. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani. 1434.

639 ....Authorizes electronic observation and detection of certain violations, and issuance and service of citations for such violations by mail. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1489.

640 ....Exempts law enforcement agencies and fire protection districts from certain regulation in detecting explosives. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins (by request). 1501.

641 ....Revises provisions governing certain fees paid to department of motor vehicles and public safety concerning control of emissions from motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1501, 1745, 1790, 1867, 1879,* 2366, 2708.

642 ....Makes various changes to provisions concerning parolees and probationers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1501, 1740, 1791, 1811, 1858,* 2240, 2441.

643 ....Revises provisions concerning railroads. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1501.

644 ....Makes various changes concerning property taxes and county assessors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1502, 1861, 1869, 1910,* 1911, 2198, 2431, 2453, 2454, 2697, 2698.

645 ....Revises provisions governing commission for the preservation of wild horses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 1539, 1573.

646 ....Makes various technical changes to provisions of Nevada Revised Statutes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1539, 1740, 1791, 1811, 1859,* 1935, 2431.

647 ....Makes supplemental appropriation to Division of Child and Family Services of Department of Human Resources to offset certain unanticipated expenses at Caliente Youth Center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1540, 1797, 1811, 1831, 1867, 1879,* 2432.

648 ....Prohibits local government from submitting certain claims for interest earned in prior fiscal year on money received as apportionment from county treasurer. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1540, 1912, 1915, 1923, 2164,* 2165, 2228, 2431.

649 ....Provides for arbitration of mechanics' liens. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Collins, Von Tobel, Manendo, Chowning, Williams, Gustavson, Koivisto, Carpenter, Segerblom, Anderson, Nolan, Lee and Amodei. 1590.

650 ....Requires public body to request project number from labor commissioner and include number in bid solicitations for public works projects. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1590, 1739, 1791, 1811, 1859,* 2310, 2708.

651 ....Makes appropriations to Clark County School District for various educational programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1635, 1797, 1802, 1862.

652 ....Requires separate accounting of money donated for restricted use at veterans' cemeteries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1635, 1797, 1802,* 2228, 2431.

653 ....Phases out depreciation on improvements and mobile homes for purposes of determining assessed valuation for levy of property taxes and authorizes certain compensatory payments for taxpayers with lower incomes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1635.

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654 ....Extends prospective date for reversion of appropriation made during previous session to Nevada Commissioner for Veteran Affairs for improvements to veterans' cemeteries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1658, 1797, 1802,* 1803, 2228, 2431.

655 ....Authorizes under certain circumstances conveyance of certain land and leaseholds to City of Las Vegas for use as public park. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 1691.

656 ....Revises provisions governing temporary licensure of physical therapists. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 1701, 1739, 1791.

657 ....Revises provisions governing regulation of operators of tow cars. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1701, 1897, 1920, 2170, 2174*.

658 ....Excludes certain persons from definition of "employment agency" for purpose of regulating such agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1741.

659 ....Makes appropriations to trust fund for class-size reduction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 1741, 1765, 1770,* 1810, 2167.

660 ....Makes appropriations for support of civil government of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 1741, 1765, 1770,* 1810, 2167.

661 ....Renames and reorganizes department of information services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 1742, 1873, 1880,* 2523.

662 ....Transfers commission on substance abuse education, prevention, enforcement and treatment to department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1742, 1873, 1880,* 2441, 2599.

663 ....Authorizes appeals officer in proceeding relating to industrial insurance to order attorney or representative of party to pay certain costs for causing continuance or delay of hearing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 1745, 1935, 1937, 1942, 2170, 2174, 2176,* 2310, 2604, 2605, 2708.

664 ....Extends right of stockholder of "S" corporation to inspect records. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1773, 1866, 1874,* 2198, 2431.

665 ....Increases salaries of certain public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 1837, 1862, 1863,* 1935, 2431.

666 ....Eliminates conversion factor for liquefied petroleum gas used in calculation of tax on special fuel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1913.

667 ....Makes certain technical changes required to carry out provisions of Assembly Bill No. 600 of this session. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 1933, 2192, 2195,* 2310.

668 ....Exempts state rate of property tax from limitation on total rate of property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 2177.

669 ....Authorizes issuance of state securities for certain projects of University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 2214, 2240, 2276,* 2441.

670 ....Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2214, 2240, 2276,* 2441.

VETOED ASSEMBLY BILLS OF THE 68th SESSION

No. *Summary, Introducer and Page Reference*

367 ....Requires boards of health to avoid conflicts with statutory provisions governing general improvement districts when adopting regulations concerning disposal of sewage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 9, 44, 79, 80.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

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

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Proposes to amend Nevada constitution to establish right of privacy. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom. 10, 176, 185, 190, 215*.

2 ....Urges Congress to amend Recreation and Public Purposes Act or to enact other legislation to facilitate use of federal land for affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 63, 176, 185, 190, 215, 216,* 429, 463.

3 ....Proposes to amend constitution of State of Nevada to revise provisions governing chief justice's administrative power to recall justices and judges to active service. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick, Dini, Anderson, Humke, Sandoval, Koivisto, Perkins, Buckley, Berman, Close, Herrera, Manendo, Nolan, Price, Carpenter, Tiffany, Marvel, Hickey, Arberry, Goldwater, Giunchigliani, Ernaut, Cegavske, Lambert, Von Tobel and Braunlin. 81.

4 ....Urges United States Postal Service to consider historic nature of Genoa when determining size and location of new post office in that area. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 118, 176, 185, 190, 216,* 565, 612.

5 ....Proposes to amend Nevada constitution to provide for limited annual legislative sessions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Giunchigliani, Carpenter, Goldwater, Lambert, Sandoval, Manendo, Arberry, Mortenson, Lee, Segerblom, Evans, Freeman, Bache, Krenzer, Chowning, Nolan, Koivisto, Anderson, Buckley, Ohrenschall, Amodei, Close, Herrera, Parks, Cegavske, Williams, Berman, de Braga, Neighbors, Tiffany, Ernaut and Dini. 183, 564, 573, 609, 644, 645, 668, 669, 671, 673,* 2310, 2708.

6 ....Proposes to amend Nevada constitution to revise provisions relating to selection of judges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Close, Buckley, Lambert, Marvel, Arberry, Von Tobel, Price, Giunchigliani, Goldwater, Herrera, Nolan, Tiffany, Berman, Parks, Cegavske, Hickey, Amodei, de Braga, Braunlin, Segerblom, Hettrick, Chowning and Koivisto. 237.

7 ....Urges Secretary of the Interior to suspend or withdraw new regulation of Bureau of Land Management governing bonding requirements for certain mining operations on public lands. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 326, 327, 328, 335,* 446, 497.

8 ....Urges Congress to enact Southern Nevada Public Land Management Act of 1997. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goldwater, Ernaut, Chowning, Collins, Hettrick, de Braga, Sandoval, Cegavske, Gustavson, Lee, Braunlin, Koivisto, Amodei, Herrera, Arberry, Anderson, Bache, Parks, Lambert, Freeman, Perkins, Buckley, Von Tobel, Ohrenschall, Humke, Close, Giunchigliani, Williams, Bernan, Neighbors, Marvel, Segerblom, Carpenter, Tiffany, Hickey, Manendo, Evans, Krenzer, Nolan, Price, Mortenson and Dini. 411, 938, 968, 985,* 1589, 1769, 2167.

9 ....Proposes to amend constitution of State of Nevada to increase limitation on state indebtedness solely to pay costs of construction and renovation of school facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani, Price, Goldwater, Bache, Ohrenschall, Amodei, Herrera, Anderson, Freeman, Parks, Koivisto, Lee, Buckley, Perkins, Chowning, Collins, Krenzer, Manendo, Segerblom, Evans, Arberry, Humke and Neighbors. 433, 826, 846, 872*.

No. *Summary, Introducer and Page Reference*

10 ....Urges Congress and Uniform Law Commissioners to make certain changes to laws regarding jurisdiction over matters of child custody. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga. 446, 639, 656, 673, 674,* 1740, 2167.

11 ....Urges Congress to continue transportation enhancement projects in reauthorization of Intermodal Surface Transportation Efficiency Act of 1991. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 719, 743, 750,* 1211, 1324.

12 ....Urges Congress to adopt "Rodeo Freedom Act." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Collins, Parks, Carpenter, Gustavson, Segerblom, Amodei, Sandoval, Tiffany, Mortenson, Anderson, Close, Price, Giunchigliani, Hettrick, Koivisto, Krenzer, Herrera, Lee, Manendo, Berman, Nolan, Ohrenschall, Marvel, Neighbors, Williams, Arberry, Goldwater, Humke, Von Tobel, de Braga, Chowning, Lambert, Cegavske, Bache, Evans, Dini, Freeman, Braunlin, Ernaut and Perkins. 744, 974, 1009, 1027,* 1773, 1911.

13 ....Urges certain managers of public land to survey, control and promote control of noxious weeds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 827, 987, 1022, 1067, 1078, 1080,* 1497, 1649.

14 ....Urges Congress to amend National Voter Registration Act of 1993. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Close, Amodei, Cegavske, Von Tobel, de Braga, Price, Hettrick, Arberry, Marvel, Neighbors, Collins, Parks, Lambert, Mortenson, Sandoval, Gustavson, Braunlin, Humke, Ernaut, Freeman, Koivisto, Herrera, Carpenter, Nolan, Berman, Dini, Evans, Goldwater, Anderson, Bache, Hickey, Segerblom, Tiffany, Manendo, Ohrenschall, Lee and Williams. 271,* 879, 1739, 1791, 1867, 1879*.

15 ....Expresses State of Nevada's continued opposition to Constitutional Convention of the States. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 968, 1167, 1238, 1276, 1282, 1285*.

16 ....Expresses support for Nevada Test Site Development Corporation and proposal by Kistler Aerospace to make use of Nevada Test Site for licensed aerospace vehicle operations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 1015, 1033, 1036, 1038,* 1077, 1130.

17 ....Proposes to amend Nevada constitution to require that Governor and Lieutenant Governor be affiliated with same political party and be elected jointly. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 1016, 1251, 1316, 1329, 1344,* 2574.

18 ....Proposes to amend Nevada constitution to authorize waiver or deferment of filing fee in civil action. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1017.

19 ....Urges Congress to cease funding Bureau of Land Management. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gustavson, Dini, Price and Hettrick. 1370, 1657, 1725, 1762*.

20 ....Expresses strenuous objection of Nevada Legislature to recent decision of United States Bureau of Reclamation regarding spreading of water from Carson River. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 1390, 1657, 1725, 1746, 1764,* 1885, 2167.

21 ....Expresses to Congress displeasure of Nevada Legislature with certain provisions of Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1531, 1710, 1757, 1798, 1804*.

ASSEMBLY JOINT RESOLUTIONS OF THE 68th SESSION

No. *Summary, Introducer and Page Reference*

12 ....Proposes to amend Nevada constitution to prohibit exemption of elected public officers from laws applicable to general public. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bennett. 9, 10.

13 ....Proposes to amend Nevada constitution to provide for resolution of conflicts between certain amendments of statutes and constitutional provisions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 9, 10, 89, 108, 115,* 429, 463.

14 ....Proposes to amend Nevada constitution to remove Lieutenant Governor from position of President of Senate, and to abolish additional expense allowance paid to Speaker of Assembly and President of

No. *Summary, Introducer and Page Reference*

Senate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Bache, Manendo, Spitler, Krenzer, Chowning, de Braga, Giunchigliani, Neighbors, Price, Perkins, Marvel, Hettrick, Monaghan, Close and Segerblom. 9, 13, 248, 260, 271, 2366.

17 ....Proposes to amend Nevada constitution to allow legislature to designate places in county other than county seat for holding terms of district court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors, de Braga, Segerblom, Ernaut, Hettrick and Marvel. 9, 14, 110, 122, 129,* 429, 463.

19 ....Proposes to amend Nevada constitution to authorize legislative review of administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 9, 14.

33 ....Proposes to amend Nevada constitution to revise provisions governing commission on judicial discipline. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Goldwater, Fettic, Ohrenschall, Arberry, Perkins, Price, Williams, Schneider, Segerblom, Carpenter, Neighbors, de Braga, Evans, Brower, Spitler, Chowning, Close, Giunchigliani and Bache. 9, 15, 182, 190, 216,* 429, 463.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Adopts Joint Rules of Senate and Assembly for 69th legislative session. Committee on Elections, Procedures, and Ethics. 16, 50, 87.

2 ....Expresses Legislature's support for affordable housing and urges local governments to review and revise zoning ordinances in manner that will promote development of affordable housing. Buckley, Giunchigliani, Williams, Herrera, Evans, Anderson, Freeman, Lambert, Goldwater, Perkins, Berman, Manendo, Ohrenschall, Segerblom, Koivisto, de Braga, Collins, Marvel, Neighbors, Von Tobel, Amodei, Humke, Hettrick, Ernaut, Chowning, Parks and Sandoval. 85, 187, 196, 232.

3 ....Amends joint rules to require that salaries of officers of Nevada Highway Patrol be set at rate based on salaries of officers of equivalent rank of certain law enforcement agencies within state. de Braga, Segerblom, Krenzer, Ohrenschall, Collins, Neighbors, Giunchigliani, Buckley, Freeman, Bache, Anderson, Nolan, Goldwater, Evans, Herrera, Williams, Parks, Lee, Perkins, Carpenter, Chowning, Dini, Manendo, Price and Koivisto. 111.

4 ....Directs Legislative Commission to conduct interim study to continue Legislature's review of competition in generation, sale and transmission of electrical energy. Committee on Government Affairs. 177.

5 ....Designates October as Nevada's Month for Children With Special Needs. Freeman. 188, 325, 335, 480, 493, 513, 534, 568.

6 ....Directs Legislative Commission to conduct interim study to determine methods for development of global market for products of State of Nevada. de Braga, Ohrenschall, Carpenter, Parks, Segerblom, Neighbors, Bache, Lee, Braunlin, Mortenson, Tiffany, Berman, Amodei, Lambert, Giunchigliani, Anderson, Collins, Manendo, Arberry, Marvel, Price, Nolan, Krenzer, Evans, Sandoval, Cegavske, Chowning, Ernaut, Hettrick, Freeman, Koivisto, Gustavson, Hickey, Perkins, Buckley, Williams, Von Tobel, Goldwater, Herrera, Humke and Dini. 231.

7 ....Encourages purchase of local agricultural products. de Braga, Ohrenschall, Amodei, Segerblom, Buckley, Lee, Parks, Neighbors, Marvel, Von Tobel, Humke, Herrera, Goldwater, Arberry, Anderson, Bache, Freeman, Lambert, Braunlin, Koivisto, Gustavson, Cegavske, Sandoval, Mortenson, Collins, Chowning, Ernaut, Hettrick, Perkins and Giunchigliani. 275, 481, 494, 513, 543.

8 ....Directs Legislative Commission to conduct interim study of certain policies and practices of University and Community College System of Nevada. de Braga, Amodei, Segerblom, Buckley, Lee, Parks, Neighbors, Freeman, Sandoval, Mortenson, Hettrick, Anderson, Gustavson, Cegavske, Braunlin, Lambert, Bache, Ernaut, Giunchigliani, Arberry and Williams. 282.

9 ....Designates April 16, 1997, as E Clampus Vitus Day at Nevada Legislature. Dini, Segerblom, de Braga, Ohrenschall, Hickey, Amodei, Anderson, Parks, Mortenson, Sandoval, Collins, Lee, Koivisto, Gustavson, Berman, Braunlin, Nolan, Manendo, Ernaut, Herrera, Buckley, Carpenter, Tiffany, Marvel, Neighbors, Bache, Williams, Arberry, Von Tobel, Price, Chowning, Krenzer, Giunchigliani, Perkins, Freeman, Cegavske, Goldwater, Humke, Close, Hettrick and Lambert. 282, 315, 358.

10 ....Expresses support for Nevada's Comprehensive School Health Program. Freeman, de Braga, Lambert, Von Tobel, Collins, Herrera, Williams, Arberry, Giunchigliani, Goldwater, Amodei, Ohrenschall, Marvel, Neighbors, Parks, Koivisto, Lee, Mortenson, Chowning, Ernaut, Hettrick, Perkins, Buckley and Berman. 340, 698, 720, 757, 802.

No. *Summary, Introducer and Page Reference*

11 ....Memorializes former Speaker of Assembly and Mayor of Sparks, Chester S. Christensen. Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 361, 414, 430, 1211, 1212, 1214, 1248, 1324.

12 ....Amends Joint Rules of Senate and Assembly to establish standards for determining division of fiscal responsibility for programs and services provided by state and local governments. Committee on Elections, Procedures, and Ethics. 362.

13 ....Urges State Welfare Administrator to increase reimbursement to providers of dental care who serve recipients of Medicaid. Committee on Health and Human Services. 394.

14 ....Designates April 13 through April 19, 1997, as Victims' Rights Week. Anderson, Amodei, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 440, 466, 467, 481, 506.

15 ....Directs Public Employees' Retirement Board to conduct study of basis for determining service credit and average compensation for public employees. Committee on Government Affairs. 440, 570, 582, 814, 846.

16 ....Declares month of April as Child Abuse Prevention Month in State of Nevada. Committee on Health and Human Services. 481, 498, 527.

17 ....Commends participants of 1997 Annual Commemorative Re-Run celebrating 137th anniversary of Pony Express. Hettrick, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 499, 518, 568.

18 ....Grants administrative leave to legislative employees in recognition of their service to 69th session of Nevada Legislature. Price, Dini, Perkins, Hettrick, Goldwater, Von Tobel, Evans, Krenzer, Nolan, Braunlin, Cegavske, Gustavson, Williams, Bache, Lee, Humke, Ernaut, Chowning, Collins, Neighbors, Manendo, Giunchigliani, Mortenson, Ohrenschall, Buckley, Herrera, Arberry, Amodei, Lambert, Hickey, Carpenter, Marvel, Close, Sandoval, Parks, Anderson, Berman, de Braga, Segerblom, Freeman, Koivisto and Tiffany. 519, 534, 568.

19 ....Urges local governments to develop measurement indicators for quality of life in communities of State of Nevada. Goldwater, Giunchigliani, Herrera, Koivisto, Lee, Mortenson, Braunlin, Parks, Buckley, Berman, Arberry, Bache, Chowning, Collins, Price, Nolan, Manendo, Krenzer, Tiffany, Segerblom, Ohrenschall, Close, Perkins and Williams. 535.

20 ....Designates April 28, 1997, as Workers' Memorial Day in State of Nevada. Krenzer, Evans, Arberry, Hettrick, Manendo, Nolan, Price, Cegavske, Sandoval, Mortenson, Collins, Chowning, Ernaut, Anderson, Bache, Freeman, Lambert, Parks, Braunlin, Koivisto, Lee, Gustavson, Hickey, Tiffany, Carpenter, Close, Amodei, Buckley, Giunchigliani, de Braga, Von Tobel, Segerblom, Herrera, Humke, Ohrenschall, Berman, Goldwater, Marvel, Dini, Perkins, Neighbors and Williams. 565, 571, 612.

21 ....Declares month of April as Workplace Good Health and Fitness Month in Nevada. Nolan, Price, Cegavske, Sandoval, Mortenson, Collins, Chowning, Hettrick, Ernaut, Perkins, Buckley, Williams, Berman, de Braga, Neighbors, Marvel, Segerblom, Carpenter, Tiffany, Hickey, Evans, Manendo, Krenzer, Gustavson, Koivisto, Braunlin, Parks, Lambert, Freeman, Bache, Lee, Anderson, Arberry, Giunchigliani, Goldwater, Herrera, Close, Humke, Amodei, Ohrenschall, Von Tobel and Dini. 582, 606, 630.

22 ....Recognizes May 8 as Day of Remembrance for Victims of Holocaust and commends Irene Gut Opdyke for her bravery during those years. Giunchigliani, Dini, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Ernaut, Evans, Freeman, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 657, 658, 665, 740.

23 ....Urges Las Vegas Valley Water District to maintain current method for calculation of charges for water to mobile home parks by use of master meter. Ohrenschall, Buckley, Bache, Manendo, Williams and Arberry. 694, 974, 989, 1035, 1211, 1324.

No. *Summary, Introducer and Page Reference*

24 ....Memorializes long-time Nevada Legislator, Senator Keith Ashworth. Dini, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 700, 701, 702, 703, 704, 718, 773.

25 ....Urges agencies within State of Nevada to cooperate to meet needs of communities to encourage employment of as many Nevada residents as possible. Krenzer and Evans. 745, 987, 1017, 1885, 2167.

26 ....Expresses support of Nevada Legislature for water conservation measures and tiered rate structures. Giunchigliani. 757, 784, 824.

27 ....Memorializes founding member of Sparks Sertoma Club, Leroy "Frank" Gibson. Anderson and Evans. 776, 777, 784, 824.

28 ....Directs Legislative Committee on Health Care to study long-term health care needs of residents of State of Nevada and availability of insurance for health care. Committee on Health and Human Services. 786, 1014, 1036, 1085, 2240, 2279, 2282, 2708.

29 ....Memorializes former Governor Grant Sawyer. Evans, Dini, Perkins, Ohrenschall, Giunchigliani, Arberry, Williams, Buckley, Krenzer, Price, Segerblom, Mortenson, Manendo, Freeman, Goldwater, de Braga, Ernaut, Parks, Nolan, Koivisto, Herrera, Hickey, Close, Lambert, Amodei, Tiffany, Berman, Gustavson, Collins, Von Tobel, Chowning, Sandoval, Braunlin, Humke, Carpenter, Marvel, Hettrick, Bache, Neighbors, Cegavske, Lee and Anderson. 880, 882, 883, 884, 885, 939, 985.

30 ....Memorializes pioneer rancher and former Assemblywoman Josie Alma Woods. de Braga, Hickey, Ohrenschall, Tiffany, Carpenter, Segerblom, Marvel, Neighbors, Berman, Williams, Buckley, Perkins, Arberry, Giunchigliani, Herrera, Close, Humke, Amodei, Von Tobel, Goldwater, Evans, Krenzer, Manendo, Nolan, Price, Sandoval, Mortenson, Cegavske, Collins, Chowning, Ernaut, Hettrick, Gustavson, Lee, Koivisto, Parks, Braunlin, Lambert, Freeman, Bache, Anderson and Dini. 885, 887, 939, 985.

31 ....Directs Legislative Commission to conduct interim study of family courts. Committee on Judiciary. 939.

32 ....Directs Legislative Commission to conduct interim study of family court systems. Committee on Elections, Procedures, and Ethics. 955, 1965, 1975, 1984, 2170, 2228, 2431.

33 ....Directs Legislative Commission to conduct interim study of issues relating to homeowners' associations. Bache, Parks, Giunchigliani, Ernaut, Buckley, Amodei, Manendo, Braunlin, Lee, Hickey, Lambert, Koivisto, Humke, Williams, de Braga, Freeman, Berman, Collins, Anderson, Segerblom, Mortenson, Herrera, Ohrenschall, Krenzer, Evans, Sandoval, Chowning, Price, Dini, Close, Cegavske and Perkins. 955.

34 ....Congratulates Searchlight, Nevada, on its 100th birthday. Segerblom, Ohrenschall, de Braga, Carpenter, Braunlin, Neighbors, Mortenson, Bache, Lee, Sandoval, Humke, Parks, Close, Amodei, Buckley, Evans, Herrera, Arberry, Koivisto, Chowning, Collins, Von Tobel, Anderson, Manendo, Tiffany, Cegavske, Perkins, Hettrick, Ernaut, Berman, Freeman, Lambert, Gustavson, Nolan, Marvel, Goldwater, Williams, Hickey, Giunchigliani, Price, Dini and Krenzer. 980, 981, 1034, 1097.

35 ....Memorializes former Speaker of Assembly Cyril O. Bastian. Dini, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 981, 982, 1034, 1097.

36 ....Expresses support for efforts to prevent teenage pregnancy in State of Nevada. Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 989, 1010, 1143, 1145, 1168, 1293.

37 ....Urges Legislative Counsel to recodify certain existing statutes in criminal law title concerning smoking in public places in public health title. Committee on Health and Human Services. 989, 1352, 1386, 1387, 2274.

38 ....Directs Legislative Commission to conduct interim study to consider standardization of city charters. Committee on Government Affairs. 1017.

39 ....Designates June 5, 1997, as "Baby Your Baby Day" in State of Nevada. Krenzer, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de

No. *Summary, Introducer and Page Reference*

Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 1034, 1085, 1130.

40 ....Commend 1997 National Collegiate Athletic Association Division I Tennis Champions, Luke Smith and Tim Blenkiron. Von Tobel, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany and Williams. 1099, 1100, 1109, 1165.

41 ....Commends Dr. James K. Gentry for his contributions to Donald W. Reynolds School of Journalism at University of Nevada, Reno. Hickey, Dini, Hettrick, Von Tobel, Ernaut, Mortenson, Lambert, Williams, Amodei, Freeman, Neighbors, de Braga, Humke, Tiffany, Close, Cegavske, Nolan, Marvel, Braunlin, Berman, Carpenter, Sandoval and Gustavson. 1101, 1102, 1109, 1165.

42 ....Commends Wayne Moore for heroic effort to save life of Robert Bugajski. Hettrick. 1133, 1134, 1135, 1143, 1250.

43 ....Encourages certain nonprofit organizations and governmental agencies to establish programs to protect children from sexual molestation. Committee on Judiciary. 1169, 1384, 1432, 1740, 2167.

44 ....Directs Legislative Commission to appoint committee to conduct interim study of various needs of pupils in public schools. Williams, Cegavske, Gustavson, Collins, Chowning, Koivisto, Manendo, Ohrenschall, Von Tobel, Hickey and de Braga. 1205, 1928, 1930, 2170, 2228, 2431.

45 ....Urges boards of trustees of county school districts to develop and adopt standards for disciplining pupils in public schools. Williams, Cegavske, Gustavson, Collins, Chowning, Koivisto, Manendo, Ohrenschall, Von Tobel, Hickey and de Braga. 1205, 1674, 1713, 1895, 2167.

46 ....Acknowledges 782nd anniversary of Magna Carta. Committee on Taxation. 1216, 1217, 1248, 1350, 1586.

47 ....Commends members of Retired Public Employees of Nevada for continued public service. Dini, Evans, Herrera, Carpenter, Giunchigliani, Bache, Hettrick, Hickey, Freeman, Cegavske, Braunlin, Lee, Gustavson, Sandoval, Mortenson, Collins, Manendo, Koivisto, Close, Ohrenschall, Marvel, Segerblom, Nolan, Amodei, Tiffany, Lambert, Parks, Neighbors, de Braga, Perkins and Price. 1353, 1370, 1527.

48 ....Commends certain state agencies for designating Extraterrestrial Highway. Price, Dini, Neighbors, Collins, Chowning, Krenzer, Amodei, Braunlin, Hettrick, Marvel, Von Tobel, de Braga, Close, Humke, Williams, Giunchigliani, Arberry, Berman, Buckley, Ernaut, Mortenson, Cegavske, Sandoval, Nolan, Manendo, Evans, Gustavson, Lee, Koivisto, Lambert, Freeman, Hickey, Segerblom, Bache, Tiffany, Perkins, Anderson, Ohrenschall, Carpenter, Parks, Goldwater and Herrera. 1386.

49 ....Commends students, parents and coordinators who participated in Odyssey of the Mind World Finals Competition. Goldwater, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 1498, 1531, 1707.

50 ....Urges Clark County School District to name school after former Legislator Marvin M. Sedway. Giunchigliani, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 1533, 1534, 1535, 1536, 1589, 1737.

51 ....Memorializes Washoe County Sheriff's Deputy Franklin Jay Minnie Sr. Evans, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 1537, 1538, 1589, 1737.

52 ....Commends Marianne Vallin for her academic and athletic achievements. Von Tobel, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors,

No. *Summary, Introducer and Page Reference*

Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany and Williams. 1652, 1710, 1865.

53 ....Memorializes Angelo Collis, long-time educator and coach in Clark County. Ohrenschall, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 1653, 1654, 1655, 1710, 1865.

54 ....Commends Nevadans who assist legal immigrants in learning English and becoming naturalized citizens. Evans, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 1655, 1656, 1657, 1710, 1865.

55 ....Commends retired educator Ruth Albright Stringer. Ohrenschall, Williams, Giunchigliani, Amodei, Humke, Close, Herrera, Goldwater, Arberry, Perkins, Buckley, Berman, de Braga, Neighbors, Marvel, Von Tobel, Segerblom, Chowning, Bache, Price, Mortenson, Braunlin, Sandoval, Carpenter, Anderson, Manendo, Lee, Hickey, Lambert, Freeman, Koivisto, Collins, Gustavson, Evans, Tiffany, Nolan, Hettrick, Cegavske, Parks, Dini, Krenzer and Ernaut. 1711, 1712, 1713, 1740, 2167.

56 ....Limits number of requests that may be submitted to Legislative Counsel during interim for drafting and directs completion of 1,000 bill drafts before first day of 70th session of Nevada Legislature. Committee on Elections, Procedures, and Ethics. 1811, 1889, 1935, 2431.

57 ....Directs Legislative Commission to conduct interim study of system of juvenile justice in State of Nevada. Committee on Elections, Procedures, and Ethics. 2198, 2239, 2251, 2274, 2366, 2708.

58 ....Provides for compensation of clergy for services rendered to Assembly and Senate during 69th session of Nevada Legislature. Committee on Elections, Procedures, and Ethics. 2249, 2366.

59 ....Commends Chief and staff of State Printing Division of Department of Administration for services rendered to Nevada Legislature. Committee on Elections, Procedures, and Ethics. 2249, 2250, 2366.

ASSEMBLY RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Provides for appointment of attaches. Committee on Elections, Procedures, and Ethics. 23, 78.

2 ....Provides allowances for periodicals, stamps, stationery and communications. Committee on Elections, Procedures, and Ethics. 24, 78.

3 ....Adopts Standing Rules of Assembly for 69th legislative session. Committee on Elections, Procedures, and Ethics. 24, 78.

4 ....Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 106, 123.

5 ....Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 131, 145.

6 ....Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 275, 301.

7 ....Directs placement of commemorative gavel in Assembly chamber in honor of dedicated legislative service of Joseph E. Dini, Jr. Perkins, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 328, 381.

8 ....Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 384, 427.

9 ....Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 394, 436.

10 ....Acknowledges contributions of African-American explorer James Pierson Beckwourth and urges school districts to ensure pupils learn about him. Williams, Arberry, Hickey, Krenzer, Evans, Freeman, Hettrick, Chowning, Berman, de Braga, Neighbors, Marvel, Von Tobel, Ohrenschall, Amodei, Humke, Close, Herrera, Goldwater, Giunchigliani, Perkins, Buckley, Tiffany, Carpenter,

No. *Summary, Introducer and Page Reference*

Segerblom, Manendo, Nolan, Price, Cegavske, Lambert, Anderson, Bache, Collins, Lee, Koivisto, Parks, Mortenson, Dini, Sandoval and Braunlin. 466, 467, 497.

11 ....Expresses appreciation to staff of Assembly and designates April 23, 1997, as Assembly Staff Appreciation Day. Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams. 519, 561.

12 ....Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 582, 623.

13 ....Recognizes work and contributions of Harold Bradford, whose art work has been exhibited in Legislative Building. Committee on Elections, Procedures, and Ethics. 1143, 1144, 1293.

14 ....Provides for appointment of additional attaché. Committee on Elections, Procedures, and Ethics. 1432, 1649.

15 ....Amends Standing Rules of Assembly by adding member to Standing Committee on Ways and Means. Dini and Perkins. 1500, 1707.

16 ....Designates certain members of Assembly as regular and alternate members of Legislative Commission. Dini and Hettrick. 1589, 1771.

17 ....Amends Standing Rules of Assembly by adding members to Standing Committee on Education. Committee on Education. 1873, 2431.

18 ....Expresses appreciation to Chief Clerk, staff of front desk, sergeant at arms and his staff and other attachés of Assembly for their dedication and outstanding performance during 69th session of Nevada Legislature. Committee on Elections, Procedures, and Ethics. 2433, 2434.

LISTING OF SENATE BILLS AND ACTION THEREON

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

No. *Summary, Introducer and Page Reference*

1 ....Makes appropriation to legislative fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 48, 49,* 78.

3 ....Requires Board of Directors of Department of Transportation to use certain money received by Department for North Shore Beautification and Water Quality Project. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Natural Resources. 1935, 1936, 2197, 2200,* 2431.

4 ....Requires parolees to submit to periodic tests for controlled substances as condition of parole. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 176, 178.

5 ....Requires certification before offenders convicted of certain crimes may be released on probation or parole and makes appropriations to carry out provisions of this act. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 784, 785, 1168, 1238, 2340, 2367, 2371, 2381, 2383, 2384, 2386, 2389, 2399, 2402, 2435, 2436,* 2606.

6 ....Revises provisions governing notification of victims of and witnesses to offenses and requires certain information to be provided to victims of and witnesses to sexual or violent offenses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 784, 785, 1142, 1197, 1240, 1932, 1976, 1977,* 2431.

7 ....Requires lifetime supervision of certain mentally ill offenders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 176, 178.

8 ....Requires certification by panel before offender who pleaded guilty but mentally ill may be released on parole. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 147, 157.

9 ....Provides for issuance of special license plates for support of preservation and restoration of natural environment of Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources. 264, 266, 513, 523, 549,* 651, 675, 754, 1137, 1444, 1480, 1481, 1819, 1823.

10 ....Revises provisions governing election of candidate to partisan office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Rhoads. 274, 276, 493, 501, 515, 525,* 568, 1580.

11 ....Prohibits return of processed carcass of certain animals other than carcass that was delivered for processing. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Rhoads. 249, 253, 481, 496, 504,* 543.

12 ....Makes various changes to division of parole and probation of department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 147, 157, 2202, 2219, 2224,* 2366.

13 ....Provides that person who transmits certain items of electronic mail is liable to recipient for civil damages under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Raggio. 839, 840, 1589, 1669, 1745, 1804,* 1913, 2167.

14 ....Eliminates limitation on terms of service of members of state board of parole commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 106, 108, 263, 277, 286,* 337.

15 ....Makes various changes to provisions concerning parolees and probationers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 176, 179, 439, 459, 462, 1211, 1289, 1290, 1750, 1881, 2657, 2658, 2683.

No. *Summary, Introducer and Page Reference*

17 ....Makes various changes relating to state board of parole commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 176, 179, 256, 270, 1974, 2163,* 2228, 2379, 2383, 2384, 2397, 2401, 2402, 2431.

18 ....Makes changes concerning recovery from Nevada insurance guaranty association. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Raggio. 264, 266.

23 ....Makes appropriation for portrait of Governor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 414, 417, 975, 1009, 1027,* 1130.

24 ....Revises composition and duties of Tahoe Transportation District. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1512, 1709, 1757, 1804, 1805,* 1911.

27 ....Revises provisions relating to estrays. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 340, 341, 699, 732, 765,* 939, 952, 953, 988, 1296, 1323, 1324, 1429.

28 ....Exempts certain purchases by local governments from General Services Administration or another governmental agency from requirements for competitive bidding. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 161, 162, 613, 628, 637,* 675.

29 ....Revises provisions governing delinquent fines, administrative assessments, fees and restitution. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 289, 775, 798, 1252, 1319, 1329, 1348,* 1737.

30 ....Increases amount of official stationery and business cards that legislators are entitled to receive at expense of legislative fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Legislative Affairs and Operations. 1741, 1742, 2432, 2437*.

31 ....Increases penalty for petit larceny in certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Augustine and James. 340, 341, 1497, 1560, 1613, 1647,* 1773, 2167.

33 ....Makes various changes to provisions relating to possession and use of tobacco products by minors and advertising of tobacco products near schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Adler, James, McGinness, Porter, Titus, Townsend and Wiener. 384, 385, 1497, 1539, 1674, 1675, 1710, 1734, 2662.

34 ....Revises provisions governing organization of public safety portion of department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Finance. 719, 721, 1385.

35 ....Provides for compensation of members of economic forum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 1895, 2197, 2200,* 2431.

36 ....Requires public employees' retirement system to study feasibility of funding plan for certain judicial pensions on actuarial reserve basis and transfers responsibility for administration of plan to public employees' retirement board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 1572, 1740, 1792, 1811, 1859,* 2167.

37 ....Authorizes certain school districts to permit use of school buses to transport persons other than pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Adler. 264, 266.

38 ....Amends charter of City of Las Vegas to authorize increase or decrease in number of wards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neal. 256, 260, 518, 541, 564, 609, 610,* 1034, 1083, 1109, 2214, 2236, 2606, 2607.

39 ....Authorizes creation of review board to advise governing body of political subdivision on issues concerning peace officers, school police officers, constables and deputies of constables. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neal. 315, 317, 2239, 2250, 2251, 2310, 2330, 2367, 2386, 2435, 2436,* 2668, 2677, 2680, 2697.

40 ....Requires determination of probable cause to be made within 48 hours after arrest of person without warrant. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Neal. 1935, 1936.

42 ....Authorizes state controller to provide by regulation for use of electronic symbols to substitute or supplement certain signatures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 195, 212, 480, 496, 504,* 543.

No. *Summary, Introducer and Page Reference*

43 ....Requires state controller to pay salaries and reimbursement of expenses of certain state employees and officers by electronic transfer of money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 281, 285.

44 ....Makes various changes to charter of City of Reno concerning elective and appointive offices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 195, 212, 1132, 1156, 1170, 1204,* 1498, 1586.

45 ....Authorizes local governments to contract with nonprofit organizations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 161, 162.

46 ....Authorizes county to construct improvements on property of school district located within county. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 281, 285, 775, 798, 822, 834, 844, 873,* 955, 985.

48 ....Deletes reference to micrographics in name of state printing division. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 161, 162, 248, 260, 272,* 301.

49 ....Authorizes supervising boards of county hospitals to contract for provision of treatment on periodic prepaid basis. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 1385, 1389, 1497, 1561, 1643,* 1771.

50 ....Makes various changes relating to department of museums, library and arts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 195, 212, 1928, 1964,* 2431.

51 ....Revises definition of "accredited" for purposes of accreditation of postsecondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 147, 157, 698, 734, 752,* 824.

53 ....Changes name of bureau of services to the blind. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 264, 266, 1652, 1725, 1771, 1805,* 1911.

54 ....Revises requirements for unaccredited postsecondary educational institutions to award degrees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 147, 157, 698, 734, 752,* 824.

57 ....Invalidates certain liens filed or otherwise claimed against public officer or employee unless authorized by specific statute or court order. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 161, 163, 465, 485, 504,* 548, 568.

58 ....Revises provisions relating to unfair acts or practices of motor vehicle manufacturers, distributors or factory branches and their representatives. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 839, 841, 1740, 1792, 1867, 1883, 1937, 1977,* 2228, 2431.

61 ....Authorizes department of motor vehicles and public safety to release certain information to public administrators and public guardians. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 188, 189, 439, 462, 477,* 506.

62 ....Authorizes personnel of capitol police division of department of motor vehicles and public safety to remove abandoned vehicles from public property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 188, 189, 281, 292, 307,* 358.

63 ....Authorizes issuance of temporary driver's license without photograph of licensee under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 195, 212, 361, 380, 390, 411, 502, 505,* 534, 568.

64 ....Exempts certain combinations of vehicles from provisions governing maximum lengths and loads. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 188, 189, 513, 523, 532,* 579.

65 ....Revises procedure for evaluation of person convicted of driving under influence of intoxicating liquor or controlled substance to determine whether he is abuser of alcohol or other drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 195, 212, 581, 611, 615,* 647.

66 ....Deletes requirement of declaration of maintenance of insurance upon renewal of registration of motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 188, 189, 383, 408, 425, 581, 610, 629,* 651, 675, 2441.

No. *Summary, Introducer and Page Reference*

68....Increases fee charged to certain persons who draw or pass check or draft without sufficient cover. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Porter. 249, 253, 665, 694, 715, 739, 752,* 824.

70....Makes appropriation to Legislative Counsel Bureau for reproduction of older Nevada Reports. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 414, 417, 975, 1009, 1028,* 1130.

71....Makes appropriation to Budget Division of Department of Administration to reimburse Legal Division of Legislative Counsel Bureau for expenses involved in preparing bill drafts requested by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 414, 417, 975, 1009, 1028,* 1130.

72....Makes appropriation to legislative fund for additional equipment and software for information systems for Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1034, 1038, 1353, 1418, 1491,* 1649.

73....Increases number of judges of second judicial district designated as judges of family court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 161, 163, 188, 214, 227,* 254.

74....Eliminates provisions allowing court to commit certain convicted persons to custody of department of prisons for evaluation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 176, 179, 1497, 1562, 1643,* 1644, 1771.

75....Revises provisions governing limitation on compensation for aid to certain victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 176, 179, 361, 380, 1385, 1491, 1502, 1511, 1512,* 1737.

77....Makes various changes concerning exemption from service as grand or trial juror. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 176, 179, 679, 710, 752,* 814, 834.

80....Makes person liable for two times the actual damages incurred for abuse, neglect or exploitation of certain older persons or vulnerable persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 249, 253, 1133, 1156, 1170, 1204,* 1370, 1527, 1637, 2166, 2170, 2431.

81....Makes various changes concerning notice to person whose indictment is being considered by grand jury. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 176, 179, 632, 643, 674,* 814, 834.

83....Authorizes every board of county commissioners in this state to abolish office of constable and appoint sheriff ex officio constable. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 256, 260, 826, 846, 873,* 972.

84....Amends provisions governing hours that certain ex officio registrars must be open. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 249, 253, 360, 380, 390, 411,* 463.

85....Authorizes less office hours for branch offices of certain county officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 188, 189, 826, 846, 873,* 972.

86....Revises provisions relating to mobile home parks and manufactured homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1741, 1742, 2213, 2219, 2250, 2276, 2405*.

87....Requires landlord of mobile home park to notify manufactured housing division of department of business and industry of certain changes in personal information. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 147, 157, 742, 773, 781,* 834.

88....Authorizes certain law enforcement officers to issue subpoena during investigation to obtain certain information from public utility. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 188, 189, 513, 523, 533,* 579.

90....Creates revolving account for consumer affairs division of department of business and industry for certain expenses related to undercover investigations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 264, 266, 632, 643, 661,* 740, 1122.

No. *Summary, Introducer and Page Reference*

91 ....Revises certain education and experience requirements for appraisers of real estate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 289, 848, 913, 971,* 1034, 1097.

92 ....Revises requirements for continuing education of brokers, real estate broker-salesmen and real estate salesmen. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 289, 783, 808, 822, 834, 844, 873,* 972.

93 ....Provides for registration of businesses that engage in or offer to engage in practice of professional engineering or land surveying. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 289, 290, 429, 442, 462, 463,* 497.

95 ....Revises procedures for reports of sale by dealers and rebuilders of manufactured homes, mobile homes and commercial coaches. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 176, 179, 742, 773, 781,* 834.

96 ....Revises provisions governing examination of applicant for registration as architect. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 176, 179, 698, 734, 783, 808, 822, 834, 844, 874,* 972.

98 ....Revises definition of "commissioner township." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 249, 253, 665, 694, 715, 739, 752, 753,* 824.

99 ....Requires that presentence investigation of certain sex offenders include psychosexual evaluation and makes appropriations to carry out provisions of this act. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 784, 785, 1168, 1239, 2611, 2612, 2678,* 2680.

100 ....Provides for involuntary civil commitment of certain sexually violent predators and increases term of imprisonment for certain habitual sex offenders. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1290, 1291, 2238, 2241, 2246, 2249, 2330.

101 ....Provides for treatment of certain recidivist sex offenders with chemical compounds. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 784, 785.

102 ....Requires certain school officials to be notified concerning juveniles who have committed certain sexual offenses and prohibits such juveniles from attending same school as victim under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 498, 499, 975, 1009, 1067, 1080, 1081,* 1143, 1250, 1364, 1518, 1524, 1679, 1847, 1854, 2633, 2639.

103 ....Requires director of department of motor vehicles and public safety to establish program to compile and analyze data concerning sex offenders and juveniles who commit delinquent acts relating to sex. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 784, 785, 1142, 1197, 1355, 1368, 1369, 2240, 2300, 2331, 2350, 2363, 2365,* 2441.

105 ....Makes various changes relating to industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 1572, 1935, 1937, 1942, 1947, 1975, 1978, 2185, 2191,* 2241, 2431.

106 ....Revises grounds for disciplinary actions against licensees of manufactured housing division. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 340, 341, 533, 560, 568, 578,* 630.

109 ....Revises requirements for registration as professional engineer or professional land surveyor or for certification as engineering intern or land-surveying intern. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 606, 608.

113 ....Revises provisions relating to offenders in custody or confinement and makes appropriations to carry out provisions of this act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1034, 1038, 1531, 1798, 1811, 1831, 1867, 1883,* 2170, 2604, 2611, 2668, 2672, 2677.

115 ....Revises provisions regarding allocation of certain money received by bureau of alcohol and drug abuse in rehabilitation division of department of employment, training and rehabilitation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 625, 626, 1353, 1418, 1434, 1493,* 1494, 1589, 1707.

118 ....Makes various changes to provisions and penalties relating to certain crimes against property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 513, 515, 938, 968, 985, 1012, 1028,* 1130, 1560.

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122 ....Prohibits person employed in position of authority by school, college or university from engaging in sexual conduct with certain pupils or students. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. McGinness. 414, 417, 775, 798, 818, 1327, 1378,* 1379, 1637, 1706, 1741, 1910, 2170, 2228, 2237, 2708.

123 ....Revises circumstances under which intangible interest or money held or owing by business association is presumed abandoned. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGinness. 340, 341.

124 ....Revises provisions governing issuance of commercial drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 195, 213, 383, 408, 426, 427,* 489.

125 ....Makes various changes regarding certain direct sellers of goods and services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 281, 285, 571, 602, 615,* 616, 680, 740.

127 ....Revises provisions governing membership of board of wildlife commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1290, 1291, 1866, 1868, 1880*.

128 ....Revises provisions governing permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Jacobsen. 446, 449, 879, 941, 985, 1012, 1028,* 1029, 1143, 1162, 1211, 1429, 1432, 1810, 1864, 1911.

129 ....Requires motorists to exercise due care to avoid collisions with pedestrians and bicyclists. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Jacobsen. 939, 940, 1252, 1316, 1329, 1348,* 1498, 1586.

131 ....Makes various changes to offenses and penalties related to controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. James and Titus. 651, 653, 1014, 1040, 1081, 1497, 1571, 1644,* 1771.

132 ....Makes various changes concerning writs of habeas corpus. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 340, 342.

133 ....Makes various changes concerning crimes and punishments. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1385, 1389, 1710, 1757, 1805,* 1911, 1944, 1945, 1980, 1981, 2246, 2380, 2399.

135 ....Makes appropriations to Eighth Judicial District Court and Second Judicial District for programs for treatment of abuse of alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 1741, 1742, 2197, 2201,* 2431.

136 ....Makes various changes to charter of City of Sparks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 315, 317, 878, 942, 985, 1012, 1029,* 1169, 1250.

137 ....Revises penalty for exceeding posted speed limit in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Rhoads. 414, 418, 1571, 1612, 1697,* 1865, 2366, 2506, 2517*.

141 ....Revises provisions governing regulation of banks by Nevada gaming commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 249, 253, 383, 408, 427,* 489.

144 ....Requires school districts to prescribe rules for school-based decision making and to conduct evaluation of statutes relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 2523, 2566.

145 ....Revises provisions governing registration of convicted persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neal. 1085, 1086, 1588, 1670, 1710, 1734, 1770, 1805,* 1913, 2167.

146 ....Includes property held in trust for Indian tribes in determining basic ad valorem revenue for distribution of supplemental city-county relief tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Mathews. 340, 342, 466, 486, 504, 505,* 565, 579.

147 ....Revises provisions governing mediation of collective bargaining disputes between local government employer and employee organization. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 281, 285, 480, 496, 505,* 543.

148 ....Makes various changes relating to subpoenas issued by department of human resources and department of education and revises provisions governing dissemination of certain information by

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department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1290, 1291, 1709, 1757, 1798, 1808,* 1809, 2170, 2208, 2310, 2523, 2525.

149 ....Enacts Uniform TOD Security Registration Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Washington. 288, 290, 826, 846, 874,* 972.

150 ....Expands circumstances under which person is exempt from requirement to obtain contractor's license. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Washington. 1710, 1714, 1765, 1771, 1805, 1867, 1883,* 2170, 2431.

151 ....Revises procedure of purchasing division of department of administration for advertising bids. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Washington. 340, 342, 2273, 2276,* 2277.

153 ....Makes various changes relating to trade-marks and similar designations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 304, 306, 632, 643, 661,* 662, 740.

155 ....Establishes program to assist victims of domestic violence in establishing and maintaining confidential residential addresses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. James, O'Connell, Neal, Adler, Augustine, Coffin, Jacobsen, Mathews, McGinness, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 839, 841, 1034, 1726, 1758, 1798, 1809,* 1913, 2167, 2257.

156 ....Makes various changes concerning stepparents and stepchildren. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Adler. 1211, 1218.

158 ....Requires accessible toilet facility in area leased by public body. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Mathews. 1248, 1249, 1352, 1418, 1491, 1492,* 1649.

164 ....Changes designation of certain funds from "trust fund" to "special revenue fund." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 498, 499, 613, 628, 637,* 675.

166 ....Revises provisions governing limitation on fees charged by employment agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 264, 266.

167 ....Makes various changes to provisions governing trade practices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 651, 653, 1496, 1562, 1613, 1647,* 1741, 1770, 1867, 2241, 2258, 2266.

168 ....Requires public schools to comply with certain provisions of federal law governing release of information concerning pupils and elicitation of information from pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. O'Connell and Washington. 1034, 1038, 2647, 2667, 2678*.

169 ....Provides for independent study by full-time pupils in high schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Adler. 665, 666, 1897, 1903,* 2431.

170 ....Makes appropriation to Department of Museums, Library and Arts for automation of department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 518, 520, 1353, 1418, 1492,* 1649.

171 ....Makes appropriation and revises reversion for previously appropriated money to restore balance in contingency fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 988, 989, 1353, 1419, 1492,* 1649.

172 ....Makes appropriation to restore balance in reserve for statutory contingency account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1385, 1389, 1568, 1612, 1697,* 1865.

173 ....Makes appropriation to restore balance of stale claims account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 414, 418, 614, 628, 637,* 675.

174 ....Makes appropriation to Governor's Mansion for repair or replacement of furniture and equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 2366, 2438,* 2439.

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175 ....Makes appropriation to restore balance in emergency account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 414, 418, 975, 1010, 1029,* 1130.

176 ....Makes supplemental appropriation to Department of Human Resources for additional costs of care of patients in Southern Nevada Adult Mental Health Services Program and at Nevada Mental Health Institute. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 518, 520, 679, 710, 739, 753,* 824.

177 ....Makes appropriation from state highway fund to Department of Motor Vehicles and Public Safety for conversion of VHF portable radios of Nevada Highway Patrol from low band to high band. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1109, 1112, 1531, 1612, 1697, 1698,* 1865.

178 ....Makes supplemental appropriation to Division of Child and Family Services of Department of Human Resources for cost of transporting youth in custody of this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 498, 499, 661, 675, 682, 715, 739, 753, 765,* 824.

179 ....Makes appropriation for 1998 Annual Meeting of National Conference of State Legislatures in Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 384, 385, 498, 515, 525,* 568.

180 ....Provides immunity to state and local governments from any civil action based on or action for breach of contract that is caused by computer that produces, calculates or generates incorrect date, regardless of cause of error. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 719, 721, 1014, 1040, 1497, 1571, 1644,* 1741, 1865.

181 ....Makes appropriation from state highway fund to Department of Motor Vehicles and Public Safety for computer hardware and software for new facility in Henderson. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 939, 941, 1740, 1793, 1811, 1859,* 2167.

182 ....Makes appropriation to Lied Discovery Children's Museum in Las Vegas for expansion of Early Childhood Exhibit and creation of Parent Resource Center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1725, 1726, 1932, 1975,* 2431.

183 ....Makes appropriation for costs of automation of Division of Parole and Probation of Department of Motor Vehicles and Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1169, 1170, 1531, 1612, 1698,* 1865.

184 ....Makes appropriation to Department of Motor Vehicles and Public Safety for conversion of VHF portable radios from low band to high band. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1109, 1112, 1531, 1612, 1698,* 1865.

185 ....Makes appropriation to Department of Human Resources for remodeling of canteen for Southern Nevada Adult Mental Health Services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1169, 1170, 1531, 1612, 1698,* 1865.

186 ....Makes appropriation to Office of Lieutenant Governor for office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 513, 515, 1248, 1279, 1320, 1699, 1700,* 1865.

187 ....Makes appropriation to fund to stabilize the operation of the state government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1385, 1389, 2228, 2229, 2250, 2277,* 2405.

189 ....Makes changes to provisions regarding audits of state agencies that receive federal funds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Affairs and Operations. 340, 342, 493, 501, 515, 525,* 568.

191 ....Revises provisions governing transmittal of report of presentence investigation to department of prisons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 288, 290, 613, 628, 637,* 675.

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192....Makes certain acts relating to mutilation of female genitalia unlawful. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Human Resources and Facilities. 606, 608, 848, 851, 1327, 1368, 1428,* 1586.

193....Requires judge to list telephone number of his office in telephone directory. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Neal. 547, 551, 826, 846, 874,* 972.

194....Makes various changes to provisions governing licensure of bail bondsmen. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neal. 719, 721, 1431, 1507, 1508, 2216, 2277, 2435, 2438, 2529, 2531, 2574, 2607,* 2608, 2680.

196....Makes appropriation to legislative fund to establish interactive video broadcast system between Legislative Building in Carson City and Grant Sawyer State Office Building in Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 988, 990, 2523, 2529, 2657, 2658, 2659*.

197....Revises provisions governing fund for National College of Juvenile and Family Law and makes appropriations for National Judicial College and National College of Juvenile and Family Law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 1290, 1291, 1740, 1793, 1811, 1859, 1860,* 2167.

198....Exempts aviation fuel and leaded racing fuel from tax on motor vehicle fuel imposed by certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 625, 626, 954, 980, 1012, 1029,* 1130.

200....Makes appropriation to Division of State Parks of State Department of Conservation and Natural Resources for park improvement projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 2310, 2523, 2529, 2657, 2659*.

201....Makes appropriations to Department of Administration for implementation of technology improvement plan for state government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1810, 1811, 1932, 1975,* 2431.

202....Makes supplemental appropriation to Health Division of Department of Human Resources for Nevada State Laboratory. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 498, 499, 661, 675, 682, 715, 739, 753, 765,* 824.

204....Makes appropriation for establishment of programs of treatment for abuse of alcohol or drugs in certain judicial districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Judiciary. 1725, 1726, 1932, 1975,* 2312, 2431.

205....Revises various provisions governing child abuse. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Human Resources and Facilities. 1085, 1086, 1352, 1419, 1492,* 1649, 2576.

207....Revises provisions governing authority of court to order counseling for child, his family and other persons living in same household as child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wiener, Adler, James, McGinness, Porter and Titus. 446, 449, 838, 870, 887,* 985, 1515, 1844, 2630.

208....Revises provisions governing gaming licenses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. James, Neal, Rawson, O'Connell, Jacobsen, Mathews, Schneider, Titus, Washington and Wiener. 1773, 2176, 2185, 2186, 2442, 2472, 2473,* 2606.

209....Provides for payment to licensed providers of hospice care for services for hospice care provided to medically indigent persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Titus, Adler, Coffin, Mathews, Regan, Schneider, Shaffer and Wiener. 1290, 1291, 1634, 1671, 1674, 1769, 1771, 1806,* 1913, 1958, 2214, 2523, 2525, 2527.

211....Revises provisions concerning commission for preservation of wild horses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1935, 1936, 2240, 2287, 2297, 2367, 2387,* 2523.

212....Makes various changes to provisions governing disclosures required upon sale of residential property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Schneider. 625, 626, 938, 968, 985, 1012, 1029,* 1030, 1130.

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214 ....Makes various changes to provisions regarding commission on ethics. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1741, 1743, 2162, 2163,* 2431.

215 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 743, 748, 805, 818, 822, 834, 844, 851, 870,* 972, 1173, 1174, 1264, 1581, 1583, 1584, 1749, 1750, 1751.

216 ....Revises provisions governing amount of contribution and post-retirement increases for public employees' retirement system. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Finance. 518, 520, 625, 975, 1010, 1030,* 1130.

217 ....Makes appropriation to Department of Museums, Library and Arts for processing and indexing of archival records by Division of State Library and Archives. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 498, 500, 1353, 1419, 1493,* 1649.

218 ....Creates disaster relief fund and emergency assistance account to respond to emergencies and disasters. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 625, 626, 2330, 2331, 2436,* 2523.

219 ....Revises provisions governing appeals officers appointed to conduct hearings in contested cases involving industrial insurance benefits for injuries or death. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Finance. 1810, 1811, 1932, 1976,* 2431.

220 ....Authorizes formation of charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Human Resources and Facilities. 665, 666, 1208, 2529, 2533, 2566, 2608,* 2662, 2679, 2680, 2683, 2696.

221 ....Provides for creation of programs to reduce incidence of commercial theft and fraud related to vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Transportation. 498, 500, 1385, 1485, 1511,* 1707.

223 ....Revises provisions governing taxes on fuels. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Porter. 625, 626, 954, 980, 1012, 1030,* 1130, 1836, 1968.

227 ....Revises provisions governing applicability of appropriation procedures for water to certain losses of water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGinness. 446, 449, 849, 914, 952,* 1012.

228 ....Authorizes assistance for parent or relative who cares for severely mentally retarded person or child under age of 6 years with developmental delays. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Finance. 988, 990, 1352, 1419, 1493,* 1649.

229 ....Authorizes leases and installment contracts for purchase of certain equipment by agencies of executive department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 665, 667, 1912, 2197, 2201, 2431.

230 ....Revises provisions governing deposit and use of certain examination fees received by real estate division of department of business and industry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 498, 500, 1211, 1279, 1297, 1320,* 1531, 1649.

231 ....Revises provisions governing appointment of certain guardians. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Donnell. 665, 667, 1531, 1612, 1699, 1769, 1771, 1806,* 1911.

232 ....Clarifies administration of existing exemption from sales and use taxes for gross receipts from sale of tangible personal property to be shipped outside State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 498, 500, 718, 750, 766,* 824.

233 ....Revises provisions governing certain abatements, exemptions and deferrals of taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 1248, 1249, 1897, 1923, 2170, 2175, 2196, 2200,* 2310.

234 ....Revises provisions relating to use of gifts of money or personal property donated to veterans' cemeteries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Jacobsen. 743, 748, 2213, 2219, 2221, 2331, 2340.

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235 ....Makes appropriation for establishment and maintenance of a branch office of Department of Motor Vehicles and Public Safety in Mineral County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. McGinness. 1895, 2216, 2217,* 2708.

237 ....Provides additional penalty for crimes committed with assistance from minor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Wiener, James, Adler, Coffin, McGinness, Porter, Schneider, Titus and Washington. 414, 418, 838, 870, 888,* 985.

238 ....Provides for recovery by executor or administrator of estate of person insured under policy of life insurance of any loss arising out of unfair insurance practice. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Titus. 446, 450, 826, 846, 874,* 972.

239 ....Authorizes justice of the peace and municipal court judge to suspend sentence of person convicted of crime of domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 446, 450.

240 ....Adopts revised articles 5 and 8 of Uniform Commercial Code. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 606, 608, 938, 968, 985, 1012, 1030,* 1130.

242 ....Makes various changes to provisions governing pawnbrokers, junk dealers and secondhand dealers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 988, 990, 1588, 1672, 1710, 1734, 1746, 1771, 1806,* 1913, 1932, 2198, 2366, 2429.

244 ....Makes various changes concerning regulation of health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 498, 500, 1326, 1368, 1428, 1429,* 1586.

245 ....Revises provisions governing compensation paid to state for cost of collecting certain taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 606, 609, 1133, 1158, 1204,* 1205, 1324.

246 ....Eliminates prospective requirement for prepayment of insurance premium tax and revises dates on which annual reports are due and quarterly payments are payable. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Titus, Wiener, O'Connell and Regan. 606, 609, 879, 942, 971,* 1067.

247 ....Makes various changes concerning provisions in rental agreements for facilities for storage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neal. 784, 785, 1142, 1197, 1219, 1248, 1290,* 1737.

248 ....Regulates business of property management and makes various other changes relating to real estate. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 839, 841, 1431, 1508, 1538, 1568, 1571, 1644,* 1741, 1865.

249 ....Makes various changes to charter of Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Adler. 565, 566, 664, 694, 715, 739, 753, 766,* 824.

251 ....Revises provisions relating to fuel standards for mobile sources of air contaminants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources. 1290, 1291, 1740, 1793, 1867, 1883,* 2198, 2431.

253 ....Creates legislative committee to study distribution among local governments of revenue from state and local taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 639, 640, 1714, 1759, 2163, 2164, 2165, 2365, 2367, 2387, 2435, 2436,* 2606.

254 ....Makes various changes to formulas for distribution of certain taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 1085, 1087, 1592, 2239, 2287, 2300, 2301, 2440, 2441, 2657, 2659,* 2680.

255 ....Provides for net metering for certain customers of electric utility who have installed renewable energy system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Titus. 1248, 1249, 1384, 1485, 1511,* 1707.

256 ....Revises exemption from property tax provided for property used to produce electrical energy from solar energy. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Titus, Wiener, Augustine, Adler, Coffin, Jacobsen, Neal, O'Donnell, Rawson, Regan, Schneider, Shaffer, James, Washington and McGinness. 1290, 1291, 2214, 2219, 2222, 2237, 2274, 2277,* 2441.

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257 ....Revises provisions governing movement of vehicle that is unattended, disabled or involved in accident. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Donnell. 680, 1497, 1567, 1613, 1801, 1810*.

258 ....Revises provisions governing sealing of criminal records. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Neal. 939, 941, 1142, 1198, 1219, 1248, 1290,* 1637, 1707, 1741, 2166, 2167, 2170, 2431.

260 ....Requires Department of Business and Industry to conduct study relating to sale of residential property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Rawson and (by request). 625, 626, 1251, 1316, 1329, 1348,* 1589, 1707.

261 ....Revises provisions relating to pupils who are habitually truant. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 2193.

262 ....Revises provisions governing vacancies in public offices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 680, 1866, 1881,* 2167.

263 ....Authorizes state controller to establish program allowing state officers and employees to purchase computer software and hardware for personal use through state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 665, 667.

264 ....Provides enhanced penalty for intimidation, assault or battery of person who operates vehicle as part of public mass transportation system. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Titus and Wiener. 651, 653, 1014, 1041, 1081,* 1165.

265 ....Makes various changes to crimes related to unauthorized use of telephone. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Titus, Adler, Coffin, Mathews, Neal, O'Donnell, Porter, Regan, Schneider, Shaffer and Wiener. 784, 785, 1210, 1279, 1320,* 1494.

266 ....Revises provisions governing highly hazardous substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Titus and Wiener. 1143, 1148, 1935, 1937, 1947, 2170, 2175, 2176,* 2208, 2241, 2708.

267 ....Revises provisions governing closure of certain financial institutions on Saturdays, Sundays and holidays and applicability of certain laws to financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Augustine. 665, 667, 1709, 1760, 1798, 1809,* 1913, 2167.

271 ....Establishes trust fund for prepayment of tuition at institutions of higher education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 1290, 1291, 1292, 2216, 2240, 2277*.

272 ....Makes appropriation to Nevada State Railroad Museum for purchase and installation of new motor for Washoe Zephyr Motorcar. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 498, 500, 628, 636, 645,* 694.

274 ....Revises fee for promotion of amateur boxing contests or exhibitions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 814, 816, 1295, 1335, 1343, 1349,* 1350, 1494.

275 ....Requires certain employers to determine feasibility of providing conveniently accessible child care for employees or reimbursing employees for costs of obtaining child care under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Neal. 1248, 1249, 1772, 1811, 1833, 1867, 1881,* 2170, 2431.

277 ....Authorizes juvenile court to require child to participate in recreational program. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Wiener, James, Titus, Adler, Augustine, Coffin, Jacobsen, Mathews, McGinness, Neal, Porter, Schneider, Shaffer and Washington. 680, 987, 1022, 1081,* 1143, 1250, 1361, 1521, 1525, 1850, 2636.

280 ....Revises provisions governing fee charged to disseminator of information concerning racing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1169, 1170, 1327, 1368, 1745, 1806,* 1911.

281 ....Makes changes to provisions relating to circumstances aggravating first degree murder. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1741, 1743, 1866, 1881,* 1882, 2167.

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283 ....Revises provisions that require assessment of costs for underground electric facilities against specially benefited lots. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Augustine. 988, 990, 2213, 2217,* 2708.

285 ....Revises provisions relating to certain records, fingerprints and photographs of certain juveniles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 814, 816, 1108, 1138, 2216, 2219, 2225,* 2366.

290 ....Authorizes metropolitan police committee on fiscal affairs to issue medium-term obligations under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 680, 681, 1739, 1793, 1811, 1860,* 2167.

291 ....Makes various changes concerning railroad safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Titus. 1572, 1709, 1760, 1798, 1809,* 1913, 2167, 2604.

293 ....Requires appointment of person to manage activities of division of agriculture of department of business and industry pertaining to natural resources, land use planning and management and control of wild horses and estrays. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources. 1895, 2216, 2217,* 2708.

294 ....Adopts Uniform Management-of-Institutional-Funds Act and authorizes disclosure of financial records of postsecondary educational institution under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 639, 640, 734, 753, 766, 1282, 1286, 1297, 1320,* 1737.

295 ....Authorizes appointment by governor of nominee of dean of College of Education to serve in place of dean on commission on professional standards in education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 680, 681, 1634, 1673, 1734,* 2167.

296 ....Makes various changes concerning shooting ranges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Schneider. 939, 941, 1353, 1419, 1434, 1494,* 1737, 2205, 2206.

297 ....Makes various changes concerning corporations and other business organizations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 955, 958, 1210, 1279, 1297, 1321,* 1589, 1649, 2584.

299 ....Regulates employment of proprietary security officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Titus. 2201*.

302 ....Provides for acceptance of subsidies under Safe Drinking Water Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Adler. 1572, 2214, 2215*.

306 ....Provides for administrative review of disciplinary action against real estate licensee upon discovery of new evidence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 988, 990.

308 ....Requires local government to specify permissible payees that debtor may name on check intended as payment to local government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Donnell. 680, 681, 2680, 2700,* 2701.

310 ....Requires sterilization of certain animals that are adopted from certain entities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1810, 1812, 2214, 2216,* 2217.

312 ....Makes various changes to provisions governing redevelopment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1143, 1148, 2440, 2442, 2453, 2459, 2462, 2472, 2507, 2533,* 2662, 2677, 2680, 2697, 2699.

313 ....Makes various changes to provisions governing investigation of background of applicants for certain positions at postsecondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 639, 641, 1957, 1977,* 1978, 2431.

314 ....Revises provisions governing unit-owners' associations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Schneider, O'Connell, Adler, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Donnell, Porter, Rawson, Regan, Shaffer, Titus, Washington and Wiener. 1741, 1744, 1810, 1871, 1903, 1928, 1974,* 2214, 2236, 2310, 2405, 2426, 2429.

315 ....Makes appropriations for establishment and maintenance of a branch office of Department of Motor Vehicles and Public Safety in Mesquite. Fiscal Note: Effect on Local Government: No. Effect on the

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State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Porter. 1895, 2240, 2287, 2301, 2367, 2388,* 2523, 2669.

316 ....Requires training and certification in cardiopulmonary resuscitation for certain teachers and other educational personnel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Porter, Augustine, Adler, Coffin, Jacobsen, James, Mathews, Neal, Raggio, Rawson, Regan, Schneider, Titus, Washington and Wiener. 839, 841, 2566, 2567, 2608, 2609,* 2662, 2677, 2680, 2696.

317 ....Revises provisions governing distribution of fees for county gaming licenses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1741, 1743, 1866, 1882,* 2167.

318 ....Makes various changes to provisions governing gaming. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1895, 2176, 2185, 2186, 2188, 2215,* 2366.

319 ....Makes various changes and appropriations concerning mental illnesses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Townsend. 1327, 1329, 2240, 2287, 2301, 2302, 2367, 2389, 2523, 2529, 2657, 2659,* 2680.

320 ....Revises provisions governing funeral directors, embalmers and operators of cemeteries and crematories. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Shaffer. 988, 990, 1369, 1421, 1493, 1964, 1978, 2219, 2225*.

323 ....Authorizes board of trustees of general improvement district to provide for control and eradication of noxious weeds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 955, 958.

325 ....Revises certain provisions governing convicted persons and the criminal justice system. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1741, 1744, 1866, 1867, 1872, 1914, 1963,* 2228, 2376, 2379, 2380, 2382, 2383, 2384, 2395, 2397, 2399, 2400, 2401, 2402, 2431, 2612, 2623, 2630, 2633, 2636, 2639, 2643.

327 ....Makes various changes related to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Government Affairs. 1741, 1743, 2240, 2287, 2302, 2367, 2389,* 2523.

328 ....Makes various changes concerning prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1248, 1249, 1740, 1794, 1867, 1883, 1884, 1931,* 2198, 2431.

330 ....Provides that community action agencies and their direct successors in interest are political subdivisions of this state for purposes of determining civil liability. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neal. 784, 785, 1133, 1158, 1159, 1485, 1490, 1568, 1571, 1644,* 1645, 1771.

331 ....Changes effective date of Assembly Bill No. 485 of this session. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neal. 939, 941, 1866, 1889, 1890, 1914, 1963,* 2228, 2258, 2441, 2503, 2504.

335 ....Expands time within which certain bonds for highway construction must mature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 988, 990, 1296, 1336, 1379,* 1527.

336 ....Makes supplemental appropriation to Division of Insurance of Department of Business and Industry for unanticipated additional operating costs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 743, 748, 975, 1010, 1031,* 1130.

337 ....Makes supplemental appropriation to Mental Hygiene and Mental Retardation Division of Department of Human Resources for unanticipated increase in caseload at Facility for Mental Offender. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 814, 816, 988, 1022, 1067, 1081, 1082,* 1165.

338 ....Makes supplemental appropriation to Office of the Governor for additional travel and operating expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 988, 990, 1133, 1158, 1205,* 1324.

341 ....Provides uniform requirements for display of signs and licenses of certain businesses licensed by department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: Yes. Effect

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on the State or on Industrial Insurance: No. Committee on Transportation. 1143, 1148, 1740, 1795, 1867, 1884, 1933, 1977,* 2228, 2431.

344 ....Revises requirements for filing service of process with secretary of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 955, 958, 1168, 1239, 1290, 1321,* 1494.

345 ....Revises provisions regulating providers of information services to gaming licensees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1248, 1249, 1497, 1567, 1613, 1647,* 1773, 2167, 2177, 2188, 2261.

346 ....Makes various changes to provisions governing notaries public, commissioners of deeds and commissioned abstractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1109, 1112, 1431, 1509, 1571, 1645,* 1771.

347 ....Makes various changes relating to office of lieutenant governor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 1741, 1744.

348 ....Authorizes issuance of certain revenue bonds by director of department of business and industry for project of corporation for public benefit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1109, 1112, 1251, 1316, 1349,* 1494.

349 ....Makes various changes concerning person who provides police services to Airport Authority of Washoe County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1290, 1291, 1292, 1866, 1882,* 2167.

350 ....Provides for certification of actual producer of agricultural product of soil and exempts producer from certain taxes and fees relating to certain sales of product. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1512, 1889, 1903,* 2431.

351 ....Provides for sale of insurance in banks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 839, 841, 1326, 1368, 1429,* 1586.

353 ....Revises limitation on expenditure of proceeds of vehicle privilege tax for purchase by county of certain residential property adversely affected by construction of highway with limited access. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1085, 1087, 1168, 1239, 1290, 1321,* 1494.

355 ....Revises provisions governing issuance of drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 1632, 1635, 1714, 1761, 1807,* 1902, 1911, 1966.

356 ....Revises provisions relating to establishment of paternity and establishment and enforcement of obligations for support of children. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Titus. 1810, 1812, 1956, 1964, 1965, 2185, 2192,* 2310, 2326, 2405, 2523, 2527, 2528.

358 ....Makes various changes to provisions governing purchase, sale or other transfer of securities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 955, 958, 1142, 1198, 1248, 1290, 1321, 1349,* 1494.

359 ....Ratifies technical corrections made to NRS and Statutes of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 784, 786, 1142, 1199, 1248, 1290, 1321, 1349,* 1494.

361 ....Establishes state disaster identification team. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Regan. 2240, 2250, 2523, 2529, 2657, 2660*.

363 ....Makes various changes relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1512, 1709, 1761, 1798, 1809,* 2170, 2431.

364 ....Provides criteria for relief from inequitable assessment of property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Rawson, McGinness, O'Connell and Rhoads. 839, 841, 1133, 1158, 1171, 1283, 1286, 1297, 1321, 1350, 1379,* 1498, 1586.

365 ....Revises provisions governing assistance for property taxes provided to certain older persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Rawson. 1432, 1434, 1935, 1977,* 2431.

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366 ....Revises provisions governing payment of fines for certain traffic violations before registration of motor vehicle is renewed. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1143, 1148, 1296, 1336, 1379,* 1527.

367 ....Prohibits use of substances and materials containing diisocyanates in school buildings under certain circumstances and requires schools to maintain and use certain information regarding hazardous chemicals. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Wiener, Townsend, Titus, Adler, Jacobsen, Mathews, O'Donnell, Porter, Rawson, Regan, Schneider and Shaffer. 1211, 1219, 1957, 1978,* 2431.

368 ....Requires contractor to file bond or establish deposit under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1741, 1743, 1866, 1889, 1893, 1914, 1963,* 2310, 2708.

369 ....Revises provisions governing fees charged by state contractors' board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 839, 841, 1141, 1199, 1248, 1290, 1321, 1350, 1379,* 1380, 1527.

370 ....Excludes certain persons from definition of real estate broker. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 839, 841, 1141, 1199, 1248, 1290, 1321, 1350, 1380,* 1527.

372 ....Authorizes administrators of jails and other local detention facilities to request participation in modified program of industrial insurance for prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 1895, 2169, 2174,* 2431.

374 ....Revises provisions governing representation of Nevada tax commission in certain legal actions and proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1290, 1291, 1292.

375 ....Clarifies authority of Nevada tax commission and makes various other changes concerning taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 1385, 1389, 2363, 2367, 2368, 2435, 2436,* 2437, 2523.

377 ....Makes changes to provisions governing certain crimes relating to stalking or domestic violence. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 939, 941, 1210, 1280.

378 ....Makes appropriation for Governor's "Classroom on Wheels" program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 1725, 1726, 1932, 1976,* 2431.

380 ....Makes supplemental appropriations to offset unanticipated shortfall in revenue from admissions at Nevada State Museum and Historical Society in Las Vegas and Nevada State Museum in Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 939, 941, 1133, 1158, 1205,* 1324.

382 ....Makes various changes to provisions governing regulation of practice of professional engineering and land surveying. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1248, 1249, 1496, 1567, 1645,* 1771.

383 ....Establishes Southern Nevada Strategic Planning Authority. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Government Affairs. 1741, 1744, 2611, 2646, 2657, 2660*.

385 ....Makes appropriation to University and Community College System of Nevada to employ health care program developer to study role of programs of system in meeting needs of State of Nevada relating to health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 2170, 2171, 2197, 2201,* 2431.

387 ....Revises provisions governing information concerning certain persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 2523, 2567, 2611, 2646, 2657, 2660*.

392 ....Restricts certain advertising and certain sexually related forms of entertainment in certain circumstances and makes changes regarding certain acts relating to prostitution. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1385, 1389.

393 ....Revises provisions governing insurance fraud. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Regan. 1867, 2506, 2517, 2657, 2660, 2678,* 2679.

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396 ....Provides civil penalty for failure of contractor engaged on public work to report workmen employed on public work to labor commissioner and public body awarding contract. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1701, 1897, 1904,* 2431.

397 ....Revises provisions governing liens upon lands entitled to receive water from irrigation districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGinness. 2240, 2250.

398 ....Establishes additional standards for regulations and policies of board of wildlife commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1211, 1219, 1531, 1612, 1646, 1674, 1710, 1726, 1881, 1884,* 2198, 2208, 2310, 2523, 2528.

400 ....Urges Congress to address problem of child labor. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. James, Adler, Augustine, Jacobsen, Mathews, McGinness, Neal, O'Donnell, Porter, Raggio, Regan, Schneider, Shaffer, Titus, Washington and Wiener. 2193, 2239, 2277, 2278,* 2708.

401 ....Requires manufacturer to provide express warranty for device that enhances ability of person to perform major life activity. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Titus, Wiener, Adler, Coffin, Mathews, Neal, Regan, Schneider and Shaffer. 1211, 1219, 1496, 1567, 1645,* 1771.

402 ....Makes various changes concerning criminal justice system. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Titus. 1741, 1744, 1866, 1867, 1872, 1903,* 2198, 2383, 2384, 2402, 2431.

403 ....Provides for issuance of allodial title for certain property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Rawson. 1632, 1636, 2192, 2195,* 2431.

404 ....Revises provisions governing areas or zones for preservation of habitat in larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1109, 1112, 1652, 1725, 1771, 1807,* 1911.

405 ....Revises provisions governing fund for insurance premiums. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1290, 1291, 1292, 1496, 1567, 1646,* 1771.

406 ....Makes various changes concerning procedure for requesting that offender be released to agency of criminal justice upon release from custody of department of prisons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1248, 1249, 1432, 1509, 1571, 1646,* 1771.

407 ....Makes changes relating to securities exchanges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 955, 958, 1142, 1199, 1248, 1290, 1321, 1350, 1380,* 1527.

408 ....Revises exemptions from certain requirements for registration of securities and licensure of persons effecting purchases or sales of securities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 955, 958, 1142, 1199, 1248, 1290, 1321, 1350, 1380,* 1527.

409 ....Revises provisions governing eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1895, 1896, 2169, 2175,* 2431.

412 ....Revises provisions governing water conservancy districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Adler. 1432, 1434, 1652, 1725, 1771, 1807,* 1911.

414 ....Revises provisions for water planning and remediation in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1290, 1291, 1292, 1295, 1296, 1739, 1797, 1811, 1860,* 2167, 2449, 2451, 2455, 2457, 2459, 2461, 2469, 2471, 2513, 2515.

417 ....Revises provisions governing fees for services and copies of records concerning vital statistics. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 1248, 1250, 1531, 1613, 1699,* 1865.

418 ....Transfers offices of Nevada commissioner for veteran affairs and Nevada deputy commissioner for veteran affairs to office of the military. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 1725, 1726.

419 ....Requires establishment of program in certain counties for mediation in cases that involve determination of custody or visitation of child. Fiscal Note: Effect on Local Government: Yes. Effect

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on the State or on Industrial Insurance: No. Titus, Wiener, Adler, Coffin, James, Mathews, McGinness, Neal, Porter, Regan, Schneider, Shaffer and Washington. 1385, 1389, 1710, 1761, 1807,* 1911.

422 ....Designates colors for reproduction or facsimile of state seal. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 1290, 1291, 1292.

423 ....Exempts computers and related equipment donated for use in schools from property tax. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 1290, 1291, 1292, 1652, 1725, 1771, 1807, 1808,* 1911.

424 ....Provides protection for payers of certain local fees and taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. O'Connell. 1632, 1636, 1772, 1811, 1833, 1837, 1965, 1966, 2170, 2176,* 2310, 2363, 2441, 2606, 2607.

425 ....Requires notice on legislative measure if two-thirds majority vote is required for passage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Connell. 1710, 1714.

426 ....Makes various changes to provisions governing driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1895, 1896, 2169, 2175,* 2431, 2640, 2642.

427 ....Creates division of health care financing and policy within department of human resources and requires legislative committee on health care to evaluate expanding access to health care in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 2193, 2194, 2216, 2217,* 2218, 2526.

428 ....Revises provisions regarding benefits for treatment of abuse of alcohol or drugs under policy of health insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Regan. 1741, 1743, 1810, 1863, 1880,* 1881, 2167.

429 ....Authorizes local governments to institute programs to increase participation of residents in development of public policy and improvement of government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Legislative Affairs and Operations. 1632, 1634, 1636, 1928, 1964,* 2431.

430 ....Makes various changes concerning vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Washington, O'Donnell, Augustine, Adler, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer and Titus. 1895, 1896, 2240, 2250, 2254, 2310, 2330,* 2441, 2503, 2606, 2700, 2704, 2706.

431 ....Makes various changes concerning practice of public accounting. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1211, 1219, 1496, 1567, 1646,* 1771.

432 ....Provides for therapeutic communities in prison and for programs of aftercare to treat certain offenders who are substance abusers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Wiener, Rawson, James, Coffin, Jacobsen, Mathews, McGinness, Neal, O'Donnell, Porter, Regan, Shaffer and Titus. 2441, 2442, 2523, 2529, 2657, 2660, 2661*.

433 ....Provides for establishment and administration of program to provide certain services to persons with physical disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Rawson, Adler, Coffin, James, Mathews, O'Donnell, Regan, Schneider, Townsend, Washington and Wiener. 2441, 2442, 2523, 2529, 2657, 2661*.

434 ....Makes various changes relating to tax on special fuel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 1741, 1743, 1897, 1904,* 2431.

436 ....Revises provisions governing exhibition and distribution to minors of material that is harmful to minors. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Rawson, James, Augustine, Jacobsen, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Regan, Rhoads, Schneider, Shaffer, Washington and Wiener. 1385, 1390, 1904, 1925, 2194, 2196, 2237, 2250, 2278,* 2441.

437 ....Revises provisions governing payment of certain fees and expenses for college for dependent children of certain peace officers and firemen killed in line of duty. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. O'Donnell, Rawson, Augustine, Coffin, Jacobsen, Mathews, McGinness, Neal, Regan, Shaffer and Washington. 2366, 2367.

440 ....Revises provisions governing program for pooling reclamation performance bonds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources. 1211, 1219, 1497, 1567, 1647,* 1771.

No. *Summary, Introducer and Page Reference*

443 ....Revises provisions governing amount of liability insurance required of motor carriers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1741, 1744, 1897, 1904,* 2431.

444 ....Revises provisions governing unlawful advertising by fully regulated motor carriers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 2240, 2250, 2309, 2350, 2532, 2566, 2609,* 2668.

446 ....Increases number of branch offices of county clerk that may be designated for issuance of marriage licenses in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Porter. 1741, 1745, 1889, 1894, 1914, 1963, 1964,* 2310.

447 ....Clarifies application of Title 24 of NRS to city elections and requires city clerks to perform certain additional duties relating to city elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1741, 1743, 1932, 1976,* 2431, 2600, 2601, 2602, 2603.

448 ....Revises provisions governing medical laboratories. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Rawson (by request). 1385, 1390, 1588, 1674, 1734,* 2167.

449 ....Revises provisions governing hearings to determine person most qualified and suitable to serve as guardian for proposed ward or to take custody of certain children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. James and O'Donnell. 1741, 1745, 1866, 1882,* 2167.

450 ....Reduces amount of business tax for business that provides for care of children of certain employees and providing employer immunity from civil liability for certain acts relating to child care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Augustine, Adler, Jacobsen, McGinness, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Townsend, Washington and Wiener. 1725, 1726, 2214, 2219, 2222, 2223, 2274, 2275, 2657, 2661,* 2680.

451 ....Revises provisions governing regulation of operators of tow cars. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Regan. 2441, 2442, 2522, 2529*.

452 ....Revises provisions relating to taxation of special fuel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1632, 1636, 1912, 1913, 1927, 2165,* 2228, 2431.

455 ....Expands duties of county treasurer to include transmitting fiscal reports to each government entitled to portion of taxes received by treasurer. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1741, 1744, 1912, 1962, 1963,* 2431.

457 ....Provides for issuance of special license plates indicating status as hall of fame athlete. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 1632, 1636, 1826, 1897, 1927, 2170, 2176,* 2405.

458 ....Revises provisions governing contractors and liens. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Porter. 1935, 1936, 2239, 2250, 2255, 2331, 2350,* 2441.

459 ....Transfers responsibility for maintaining state hygienic laboratory from department of human resources to University of Nevada School of Medicine and extends prospective reversion of previous appropriation for equipment for state hygienic laboratory. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 1632, 1636, 1797, 1808,* 1911.

460 ....Makes various changes concerning state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 1895, 1896, 2309, 2310, 2312, 2437,* 2523.

461 ....Makes changes concerning assessments for misdemeanors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 2170, 2171, 2216, 2218,* 2708.

463 ....Transfers office of science, engineering and technology from office of governor to University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Finance. 1741, 1744, 2216, 2218,* 2708.

464 ....Revises provisions relating to products made from tobacco other than cigarettes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Jacobsen. 1895, 1896, 2192, 2194, 2198, 2199, 2219, 2225,* 2366, 2708.

No. *Summary, Introducer and Page Reference*

465....Establishes minimum rate of annual special tax on specified classes of livestock. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1572, 1658, 1725, 1771, 1808,* 1911.

468....Authorizes use of money in state permanent school fund to guarantee certain bonds issued by school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 1895, 1896, 2216, 2218*.

469....Requires redesign and preparation of motor vehicle license plates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 2170, 2171, 2192, 2196,* 2431.

470....Creates program to increase awareness of health care programs for children and to encourage enrollment in such programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Titus. 2432, 2435, 2523, 2529, 2657, 2661*.

472....Establishes minimum amount of fees that may be charged for certain leases of state land used for grazing livestock under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1895, 1896, 1974, 1978,* 2431.

473....Makes various changes relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1741, 1745, 1866, 1882,* 2167, 2502.

474....Requires study of electronic system for management of pharmaceutical claims under Medicaid and authorizes contract for provision of pharmaceutical services under Medicaid through managed care under certain conditions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Human Resources and Facilities. 2523, 2567, 2574, 2604, 2609,* 2610.

476....Revises provisions governing surety bonds required of certain private postsecondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 1862, 2197, 2201,* 2431.

478....Revises circumstances under which Nevada commissioner for veteran affairs may act as guardian of estate of certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 1885, 1928, 1973,* 1974, 2303, 2431.

480....Revises provisions governing actions concerning constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1895, 1896, 2213, 2219, 2223, 2250, 2278,* 2300, 2350,* 2441.

482....Makes various changes governing education. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 1701, 2313, 2331, 2441, 2473,* 2684, 2685.

485....Creates implied agreement between law enforcement agencies regarding certain issues of liability in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1935, 1936, 2169, 2175,* 2431.

486....Authorizes expenditures by agencies of state government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 1773, 1862, 1863,* 2167.

487....Apportions state distributive school account and revises provisions governing administration of public school money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1862, 1863,* 2167.

488....Revises provisions relating to contest or exhibition of unarmed combat. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1935, 1937, 2213, 2219, 2223, 2250, 2278, 2435, 2437, 2442, 2473,* 2606.

489....Requires creation of Nevada silver haired legislative forum to identify and act upon issues of importance to aging persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 1885, 2177, 2185, 2189, 2194, 2196,* 2241, 2327, 2405, 2523, 2528.

490....Revises provisions governing compensation of certain legislative employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 1885, 1886, 1932, 1976,* 2708.

No. *Summary, Introducer and Page Reference*

491 ....Revises provisions governing land leased from State of Nevada to Washoe County for county public building complex. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 2310, 2311, 2523, 2529, 2532*.

492 ....Establishes for next biennium amount to be paid by state for group insurance for participating officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 2228, 2240, 2278,* 2279.

493 ....Establishes maximum allowed salaries for employees in unclassified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 2193, 2194, 2216, 2218,* 2219.

494 ....Revises provisions of Assembly Bill No. 291 of this session. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 2366, 2367, 2506, 2517, 2657*.

495 ....Authorizes director of department of administration to enter into contract to finance, acquire and construct correctional facility for juveniles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 2366, 2367, 2438, 2439*.

496 ....Establishes maximum allowed salaries for certain employees in unclassified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 2366, 2367, 2438, 2439*.

497 ....Makes various changes concerning governmental entities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 2441, 2442, 2611, 2646, 2678, 2679*.

LISTING OF SENATE RESOLUTIONS AND ACTION THEREON

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

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Urges Tahoe Regional Planning Agency to prepare plan to carry out master plan for extending existing systems and facilities for nonmotorized transportation completely around Lake Tahoe. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 177, 303, 322, 337,* 391.

5 ....Expresses support of Legislature of State of Nevada for proposed reconfiguration of airspace associated with Bravo 16 training range located near Fallon, Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 446, 447.

6 ....Expresses support of Nevada Legislature for sale or other transfer of public land managed by Federal Government in Las Vegas Valley under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 340, 987, 1022, 1082,* 1143, 1250.

8 ....Urges Nevada Congressional Delegation to introduce and support legislation to assist providers of telecommunications services in obtaining rights of way over public land managed by Federal Government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 340, 534, 560, 568, 578,* 630.

11 ....Urges Congress to protect rights of users of certain roads over public lands. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Jacobsen. 547, 548, 849, 914, 952,* 1012.

12 ....Proposes to amend Nevada constitution to allow investment of state money to stimulate economic development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 1290, 1291, 1292, 1873, 1884,* 2167.

13 ....Urges Congress to provide for bridge with four traffic lanes to serve as bypass to existing highway over Hoover Dam. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Porter. 1290, 1291, 1293, 1571, 1613, 1693, 1699,* 1865.

14 ....Proposes to amend Nevada constitution to create intermediate appellate court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 633, 954, 980, 1031,* 1143, 1161, 1211, 1370, 1380, 1381, 1527.

15 ....Expresses support for Presidents' Summit for America's Future and urges Nevadans to participate in related projects locally. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Affairs and Operations. 533,* 561.

16 ....Urges interested public and private entities to work cooperatively for establishment and operation of public shooting ranges and recreational facilities in Clark County, Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1290, 1291, 1293, 1710, 1761, 1808,* 1911.

18 ....Urges Congress to reform Food and Drug Administration to ensure that health care products, therapies and cures are available to public in timely manner. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 784, 1369, 1421, 1493,* 1649.

SENATE JOINT RESOLUTIONS OF THE 68th SESSION

No. *Summary, Introducer and Page Reference*

3 ....Proposes to amend Nevada constitution to limit length of legislative session and to require submittal of proposed executive budget to legislature before commencement of legislative session. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Raggio,

No. *Summary, Introducer and Page Reference*

O'Connell, Augustine, Jacobsen, James, Lowden, Mathews, McGinness, Neal, O'Donnell, Porter, Regan, Townsend and Washington. 256, 257, 2196, 2197,* 2431.

14 ....Proposes to amend Nevada constitution to authorize legislature to provide for abatement of taxes on property used in manner that conserves water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. James, Augustine, Jacobsen, Lee, Lowden, Mathews, McGinness, Neal, O'Connell, Porter, Raggio, Regan, Shaffer, Townsend and Washington. 256, 257, 2197, 2202*.

SENATE CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Commemorates Dr. Martin Luther King, Jr. Raggio, Titus, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Regan, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener. 44, 78.

2 ....Directs Legislative Commission to appoint committee to continue review of Tahoe Regional Planning Compact. Jacobsen. 147, 194, 218, 254.

3 ....Supports development of regional drainage system for storm water in Stateline, Nevada. Jacobsen. 182, 183, 303, 304, 358.

4 ....Urges department of transportation to allocate money available from Intermodal Surface Transportation Efficiency Act of 1991 for certain projects in Lake Tahoe Basin. Jacobsen. 182, 183, 361, 372, 427.

5 ....Amends Joint Rules of Senate and Assembly to authorize joint sponsorship of bills and resolutions. Committee on Legislative Affairs and Operations. 118, 119, 393, 415, 439.

6 ....Commemorates African-American History Month. Neal, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 111, 112, 145.

8 ....Encourages board of trustees of each county school district to create community advisory board. Committee on Human Resources and Facilities. 196, 1033, 1070, 1165.

9 ....Urges school districts to continue to cooperate to serve best interests of children and communities. Committee on Human Resources and Facilities. 196, 1070, 1165.

10 ....Directs Legislative Commission to conduct interim study of fees, fines, forfeitures and administrative assessments imposed and collected by courts. Committee on Legislative Affairs and Operations. 2193, 2197, 2198, 2431.

11 ....Congratulates Procter R. Hug High School Marching Band and Dance Team for participation in Inaugural Parade for President of United States. Mathews, Adler, Augustine, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 174, 186.

12 ....Commends Nevada Taxpayers Association for 75 years of service to State of Nevada. Raggio, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 174, 175, 186.

13 ....Commemorates the 100th anniversary of Parent-Teacher Association. Mathews, Adler, Augustine, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 180, 216.

14 ....Designates March 6, 1997, as "Arts Day in Nevada." Augustine, Adler, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 220, 254.

16 ....Honors Stan and Jan Berenstain, authors of books for children. James, Adler, Augustine, Coffin, Jacobsen, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 243, 244, 245, 272.

17 ....Designates March 13, 1997, as Kiwanis Day in State of Nevada. McGinness, Adler, Augustine, Coffin, Jacobsen, James, Mathews, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 253.

18 ....Congratulates Dr. F. Sherwood Rowland for being selected as recipient of Nevada Medal given by Desert Research Institute and sponsored by Nevada Bell. Raggio, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 256, 257, 287.

No. *Summary, Introducer and Page Reference*

19 ....Commemorates 100 years of filmmaking in Nevada. Augustine, Adler, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 257, 287.

20 ....Commemorates 100th anniversary of boxing in State of Nevada. Augustine, Adler, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 257, 287.

21 ....Urges Department of Motor Vehicles and Public Safety to conduct study of feasibility of separating Peace Officers' Standards and Training Committee from Department of Motor Vehicles and Public Safety. Committee on Legislative Affairs and Operations. 2193, 2197, 2198, 2199, 2431.

22 ....Commends fire fighters and others who worked to extinguish fire at Belli Ranch. Mathews, Adler, Augustine, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 277, 278, 312.

23 ....Memorializes former Nevada Legislator and journalist Walter Cox. Raggio, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 308, 310, 358.

24 ....Designates April 3, 1997, as Nevada REALTORS® Day. Schneider, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Shaffer, Titus, Townsend, Washington and Wiener. 372, 413.

25 ....Memorializes United States District Judge Roger D. Foley. Raggio, Titus, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Regan, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener. 391, 436.

27 ....Designates April 17, 1997, as Library Day in State of Nevada. Raggio, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 489, 543.

28 ....Designates April 24, 1997, as "Collector Car Day" in State of Nevada. Jacobsen, Adler, Augustine, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 534, 579.

29 ....Commemorates 50th Anniversary of United States Air Force. Regan, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 543, 579.

30 ....Congratulates Mineral County High School's girls' basketball team for winning its fourth consecutive state championship. McGinness, Adler, Augustine, Coffin, Jacobsen, James, Mathews, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 565, 630.

31 ....Congratulates Bishop Gorman High School's boys' basketball team for winning class 4A state championship. Augustine, Adler, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 565, 566, 630.

33 ....Celebrates Las Vegas international Marathon. James, Adler, Augustine, Coffin, Jacobsen, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 583, 647.

34 ....Commends former Legislator Sue Wagner for lifetime of public service dedicated to State of Nevada and expresses appreciation for her management of Legislative Intern Program. Raggio, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 583, 584, 585, 586, 647.

36 ....Directs disposition of certain proceeds of bonds for acquisition of and access to habitats for wildlife. Committee on Finance. 699, 704, 773.

37 ....Commends people of Province of Taiwan of Republic of China for their continued participation in sister-state relationship with State of Nevada. Committee on Legislative Affairs and Operations. 744, 745, 824.

38 ....Expresses support of Nevada Legislature for Unibex Global Corporation. Committee on Commerce and Labor. 757, 758, 824.

39 ....Urges agencies of executive branch of state government to expand use of internship and other programs designed to attract business graduates of the state's universities to financial management positions in state's classified service. Committee on Government Affairs. 1498, 1500, 1707.

No. Summary, Introducer and Page Reference

40 ....Congratulates Robert N. Broadbent for being selected as recipient of Distinguished Community Service Award of Anti-Defamation League. Rawson, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 814, 875.

41 ....Congratulates Jerome D. Mack for receiving 1997 Lifetime Achievement Award of Anti-Defamation League. Rawson, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 814, 875.

42 ....Memorializes Dr. Joseph D. Wilkin of Lincoln County, one of top ten "Country Doctors" nationally. McGinness, Adler, Augustine, Coffin, Jacobsen, James, Mathews, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 814, 875.

43 ....Memorializes James W. Long, long-time Carson City resident. Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 844, 845, 972.

44 ....Commends Jacob D. Bingham for his many years of public service and dedication. Porter, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 947, 948, 1012.

45 ....Commends Paul Christensen for many years of public service to State of Nevada. Porter, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 947, 948, 949, 1012.

46 ....Urges Board of Regents of University of Nevada to conduct study regarding teacher training programs. Committee on Legislative Affairs and Operations. 1432, 1433, 2163, 2216, 2219, 2708.

48 ....Memorializes Orville C. Schultz, Sr. Townsend, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donneli, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Washington and Wiener. 1105, 1250.

49 ....Memorializes Tyrus R. Cobb, beloved newspaper journalist, columnist and editor. Raggio, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1143, 1145, 1146, 1293, 1385.

50 ....Commemorates 40th Anniversary of University of Nevada, Las Vegas. Titus, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener. 1169, 1324.

51 ....Memorializes Marjorie Guild Russell. Raggio, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1211, 1214, 1215, 1350, 1586.

52 ....Commends Dean Frank D. Meyers upon his retirement from University of Nevada, Reno. Raggio, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1353, 1354, 1355, 1527.

53 ....Directs Legislative Commission to conduct interim study of construction and maintenance of highways. Committee on Legislative Affairs and Operations. 1936, 2197, 2198, 2199, 2431.

55 ....Commends C. C. Meneley Elementary School for being chosen as National Blue Ribbon School. Jacobsen, Adler, Augustine, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1498, 1500, 1707.

56 ....Commends Gene Scarselli Elementary School for being chosen as National Blue Ribbon School. Jacobsen, Adler, Augustine, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1500, 1707.

57 ....Commends Cyril Wengert Elementary School for being chosen as National Blue Ribbon School. Augustine, Adler, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1501, 1707.

58 ....Memorializes former Chief Justice of the Nevada Supreme Court, John Mowbray. Raggio, Adler, Augustine, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter,

No. *Summary, Introducer and Page Reference*

Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1632, 1633, 1771.

59 ....Memorializes Douglas County pioneer Frederick H. Dressler. Jacobsen, Adler, Augustine, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1688, 1689, 1690, 1865.

60 ....Requires Legislative Commission to conduct interim study relating to mentally ill persons. Committee on Commerce and Labor. 2193, 2197, 2198, 2199, 2431.

61 ....Memorializes Joseph and Mary Blasco of Las Vegas. Coffin, Adler, Augustine, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1868, 2431.

62 ....Commends State Industrial Insurance System and Division of Industrial Relations of Department of Business and Industry for reduction of industrial injuries. Committee on Commerce and Labor. 2170, 2171, 2431.

63 ....Requests return to Senate from Governor's office of Senate Bill No. 137. Committee on Transportation. 1936, 2366, 2431.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Sixty-ninth Session, 1997

Title	*Name*	*Mailing Address*
Speaker	Joseph E. Dini Jr.	104 N. Mountain View, Yerington 89447-2239
Speaker pro Tempore	Jan Evans	3250 Wilma Drive, Sparks 89431-1173
Chief Clerk	Linda B. Alden	401 South Carson Street Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Sixty-ninth Session, 1997

District	*Name and Party*	*Mailing Address*
Carson City (part), Washoe (part), No. 37	Ernaut, Peter G. (Pete) (R)	300 S. Wells Avenue, Suite 7, Reno 89502-1670
Carson City (part), No. 40	Amodei, Mark (R)	805 W. Sunset Way, Carson City 89703-3751
Clark, No. 1	Collins, Clarence W. (Tom) (D)	4716 San Miguel Avenue, North Las Vegas 89030-2828
Clark, No. 2	Berman, Merle (R)	2012 Gray Eagle Way, Las Vegas 89117-5738
Clark, No. 3	Lee, John Jay (D)	4201 Del Rey Avenue, Las Vegas 89102-3858
Clark, No. 4	Braunlin, Deanna (R)	2251 N. Rampart Blvd., #378, Las Vegas 89128-7640
Clark, No. 5	Cegavske, Barbara (R)	6465 Laredo Street, Las Vegas 89102-5272
Clark, No. 6	Williams, Wendell (D)	2200 Canary Way, Las Vegas 89106-1912
Clark, No. 7	Arberry, Morse, Jr. (D)	1330 Virginia City Avenue, Las Vegas 89106-2052
Clark, No. 8	Buckley, Barbara (D)	5481 Supai Drive, Las Vegas 89103-2469
Clark, No. 9	Giunchigliani, Christina R. (Chris) (D)	706 Bracken Avenue, Las Vegas 89104-1644
Clark, No. 10	Goldwater, David (D)	3125 B Pinehurst, Las Vegas 89109
Clark, No. 11	Bache, Douglas A. (D)	2236 Melinda Avenue, Las Vegas 89101-1434
Clark, No. 12	Ohrenschall, Genie (D)	1124 S. 15th Street, Las Vegas 89104-1740
Clark, No. 13	Nolan, Dennis (R)	P. O. Box 82194, Las Vegas 89180-2194
Clark, No. 14	Koivisto, Ellen M. (D)	1147 Timber Ridge Court, Las Vegas 89110-2545
Clark, No. 15	Close, Jack D., Sr. (R)	4153 Ridgecrest Drive, Las Vegas 89121-4949
Clark, No. 16	Herrera, Dario (D)	2180 Warm Springs Road, #2197, Las Vegas 89119-0450
Clark, No. 17	Price, Robert E. (Bob) (D)	P. O. Box 3759, Las Vegas 89036-3759
Clark, No. 18	Manendo, Mark (D)	4629 Butterfly Circle, Las Vegas 89122-6149
Clark, No. 19	Krenzer, Saundra (Sandi) (D)	1695 Shatz Street, Las Vegas 89115-7026
Clark, No. 20	Von Tobel, Kathleen A. (Kathy) (R)	8020 Las Vegas Blvd., S., #20, Las Vegas 89123-1014
Clark, No. 21	Tiffany, Sandra (R)	2156 Sun Swept Way, Henderson 89014-4273

District	*Name and Party*	*Mailing Address*
Clark, No. 22	Segerblom, Gene W. (D)	P. O. Box 61136, Boulder City 89006-1136
Clark, No. 23	Perkins, Richard (D)	408 Glasgow Street, Henderson 89015-5631
Clark, No. 28	Chowning, Vonne (D)	c/o Shamrock Real Estate Service, 2015 Carroll Street, North Las Vegas 89030-6401
Clark, No. 41	Parks, David R. (D)	P. O. Box 71887, Las Vegas 89170-1887
Clark, No. 42	Mortenson, John H. (Harry) (D)	3930 El Camino Road, Las Vegas 89103-2221
Douglas, Carson City (part), No. 39	Hettrick, Lynn (R)	1475 Glenwood Drive, Gardnerville 89410-8904
Elko (part), No. 33	Carpenter, John C. (R)	P. O. Box 190, Elko 89803-0190
Esmeralda, Lincoln, Mineral, Nye, No. 36	Neighbors, P. M. Roy (D)	P. O. Box 33, Tonopah 89049-0033
Humboldt, Pershing, Elko (part), Eureka (part), Lander (part), No. 34	Marvel, John W. (R)	P. O. Box 1270, Battle Mountain 89820-2085
Lyon, Storey, Carson City (part), No. 38	Dini, Joseph E., Jr.(D)	104 N. Mountain View, Yerington 89447-2239
Washoe, No. 24	Freeman, Vivian L. (D)	1665 Carlin Street, Reno 89503-4200
Washoe No. 25	Sandoval, Brian (R)	4145 Falling Water Drive, Reno 89509-2165
Washoe, No. 26	Humke, David E. (R)	P. O. Box 70656, Reno 89570-0656
Washoe, No. 27	Hickey, Pat (R)	705 S. Wells Avenue, #175, Reno 89502-0971
Washoe, No. 29	Lambert, Joan A. (R)	55 Bitterbrush Road, Reno 89523-9678
Washoe, No. 30	Evans, Jan (D)	3250 Wilma Drive, Sparks 89431-1173
Washoe, No. 31	Anderson, Bernie (D)	747 Glen Meadow Drive, Sparks 89434-1536
Washoe, No. 32	Gustavson, Don (R)	6380 Ottawa Court, Sun Valley 89433-6632
Churchill, White Pine, Eureka (part), Lander (part), No. 35	de Braga, Marcia (D)	11050 Fitz Lane, Fallon 89406-9016

ATTACHÉS OF THE ASSEMBLY

Sixty-ninth Session, 1997

Name	*Title*	*City of Residence*
Jacqueline Sneddon	Assistant Chief Clerk	Minden
Lucinda Benjamin	History Clerk	Schurz
Bonnie Borda	Journal Clerk	Carson City
Susan Furlong Reil	Recording Clerk	Carson City
Carolyn Grabski	Document Clerk	Carson City
Terry Sullivan	Sergeant at Arms	Carson City
Jason Hataway	Deputy Sergeant at Arms/Media Clerk	Virginia City
Rebecca Lawson	Assistant Sergeant at Arms	Carson City
Joe Crawford	Senior Page	Carson City
Christopher Brunsvold	Page	Carson City
Nicole Geissler	Page	Carson City
Michael Wiese	Page	Reno
Jeanne Douglass	Supervisor of Secretarial Staff	Carson City
Heather Collins	Assistant Supervisor of Secretarial Staff	Carson City
Paula Winne	Speaker's Research Assistant	Carson City
Patricia Hicks	Speaker's Secretary	Schurz
Marcelene Wehry	Speaker pro Tempore's Secretary	Reno
Carole Johnston	Floor Leader's Secretary	Sparks
Laverna Marwin	Leadership Receptionist	Wellington
Harle Glover	Chief Clerk's Administrative Assistant	Carson City
Philene Anderson	Committee Secretary	Carson City
Matthew Baker	Committee Secretary	Carson City
Jane Baughman	Committee Secretary	Carson City
Cynthia Clampitt	Committee Secretary	Carson City
Lori Conforti	Committee Secretary	Carson City
Joi Davis	Committee Secretary	Minden
Erin DeLong	Committee Secretary	Carson City
Vicki Folstad	Committee Secretary	Carson City
Virginia Letts	Committee Secretary	Dayton
Sara Kaufman	Committee Secretary	Dayton
Nykki Kinsley	Committee Secretary	Las Vegas
Janice Luevano	Committee Secretary	Carson City
Jean McGuire	Committee Secretary	Carson City
Brenda Olson	Committee Secretary	Gardnerville
Carmella Porcella	Committee Secretary	Dayton
Jo Rasey	Committee Secretary	Minden
Sheri Silva	Committee Secretary	Carson City
Sharon Spencer	Committee Secretary	Dayton
Ann Van Nostrand	Committee Secretary	Carson City
Rita Ahart	Secretary	Gardnerville
Ann Buoncristiani	Secretary	Reno
Mark Carlson	Secretary	Sparks
Carole Cavolick	Secretary	Carson City
Monica Clark	Secretary	Carson City
Reba Coombs	Secretary	Carson City

Name	*Title*	*City of Residence*
Linda Cooper	Secretary	Gardnerville
Linda Corbett	Secretary	Reno
Stephany Corral	Secretary	Carson City
Cecile Crofoot	Secretary	Stagecoach
Irene Davis	Secretary	Gardnerville
Kathleen Day	Secretary	Carson City
Naomi Dottei	Secretary	Dayton
Elizabeth Frankel	Secretary	Carson City
Kristi Geiser	Secretary	Carson City
Barbara Gray	Secretary	Dayton
Marge Griffin	Secretary	Carson City
Donna Hancock	Secretary	Carson City
Joyce Hess	Secretary	Virginia City
Barbara Houger	Secretary	Carson City
Ralph H. Keetch, Jr.	Secretary	Carson City
Dana Langdon	Secretary	Gardnerville
Kelly Liston	Secretary	Carson City
Linda Kincaid	Secretary	Minden
Jana Mabry	Secretary	Carson City
Yhvona Martin	Secretary	Carson City
Carolyn Maynick	Secretary	Carson City
Lois McDonald	Secretary	Carson City
Marilyn McElhany	Secretary	Carson City
Francis Noe	Secretary	Carson City
Betty Phenix	Secretary	Gardnerville
Barbara Pryor	Secretary	Gardnerville
Debra Spieth	Secretary	Dayton
Lela Rude	Secretary	Carson City
Sheila Sease	Secretary	Carson City
Jasmine Shackley	Secretary	Carson City
Cindy Southerland	Secretary	Carson City
Carol Thomsen	Secretary	Carson City
Marlene Staub	Secretary	Carson City
Frankie Valley	Secretary	Carson City
Dyan Merritt	Data Control Clerk	Carson City
Brent Alverson	Proofreader	Las Vegas
Michael Collins	Proofreader	Carson City
Bruce Pfeiffer	Copy Room Coordinator	Carson City
Edward Cordisco, Jr.	Supervisor of Bill Clerks	Carson City
Mary Carel	Assistant Supervisor of Bill Clerks	Carson City
Katie Beydler	Bill Clerk	Carson City
Norm Budden	Bill Clerk	Carson City
Melvin Cowperthwaite	Bill Clerk	Carson City
John Davis, Jr.	Bill Clerk	Carson City
Juanita Heston	Bill Clerk	Carson City
Kathleen Jorgenson	Bill Clerk	Carson City
Lois A. LaHair	Bill Clerk	Dayton
Steve Lamoreaux	Bill Clerk	Carson City
Ron Marwin	Bill Clerk	Wellington
Bob Maynick	Bill Clerk	Carson City
Brigitta Metz	Bill Clerk	Minden

Name	*Title*	*City of Residence*
John Meyer	Bill Clerk	Carson City
Reid Meyer	Bill Clerk	Carson City
Mike Pintar	Bill Clerk	Carson City
Shanna Pozzi	Bill Clerk	Carson City
Mark Trabert	Bill Clerk	Carson City

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SIXTY-NINTH SESSION

THE FIRST DAY

CARSON CITY (Monday), January 20, 1997

Pursuant to the provisions of the Constitution and Statues, the Assembly was called to order by Secretary of State, Dean Heller at 12 noon.

Musical renditions, Festival of Freedom and Home Means Nevada, were presented by the Sierra Nevada Chorale.

Home Means Nevada was dedicated in memory of Clark Santini.

Prayer by the Chaplain, Father Thomas Wright.

Oh great God, lord of the deserts, lover of man, we come to You for help. We are weak men no stronger than a puff of wind yet we are given the task of helping to govern this great state. We must bring justice and help to our people, our fellow Nevadans. Give us the courage to write just laws, to consider the plight of the poor and the needs of those You have blessed more abundantly with this world's goods. Help us to be just, not to consider where we live in this great state, but only what will bring good to the whole state. Make us ever conscious of Your guiding hand. Help us listen to You and not to those who might have some selfish interest. Make us a true Assembly of the State of Nevada under Your loving care.

Bless our whole country especially our President who begins a new term today, as we do. Keep us all in the palm of Your hand. AMEN.

Presentation of Colors by the Clark County Fire Department Honor Guard representing the Nevada Fire Chiefs Association.

Pledge of allegiance to the Flag.

The National Anthem and the Battle Hymn of the Republic were sung by the Sierra Nevada Chorale.

Mr. Secretary of State requested Mrs. Linda B. Alden to serve as temporary Chief Clerk of the Assembly.

Roll called.

Present: Assemblymen Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams.

Mr. Secretary of State appointed Assemblymen Giunchigliani, Lambert, Herrera, Marvel, Berman, Perkins, Close, Price and Dini as a temporary Committee on Credentials.

Assembly in recess at 12:32 p.m.

ASSEMBLY IN SESSION

At 1:29 p.m.

Mr. Secretary of State presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Secretary of State:

Your temporary Committee on Credentials has had the credentials of the respective Assemblymen-elect under consideration, and begs leave to report that the following persons have been and are duly elected and qualified members of the Assembly of the 69th Session of the Legislature of the State of Nevada: Assemblymen Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams.

DARIO HERRERA, *Vice Chairman*

Assemblyman Herrera moved the adoption of the report.

Motion carried unanimously.

Mr. Secretary of State appointed Assemblymen Buckley and Sandoval as a committee to escort Chief Justice Miriam Shearing of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Chief Justice Shearing administered the oaths of office to the Assemblymen.

Assemblyman Humke moved that Chief Justice Shearing be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assemblymen for whom Certificates of Election have been issued.

Roll Called.

Present: Assemblymen Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams.

Mr. Secretary of State announced that there would be no temporary organization of the Assembly, and that all nominations were in order for permanent appointment.

Mr. Secretary of State declared that nominations were in order for Speaker.

Assemblyman Perkins nominated Assemblyman Dini for Speaker.

Remarks by Assemblyman Perkins.

Assemblyman Arberry moved that nominations be closed.

Motion carried unanimously.

Mr. Secretary of State declared Assemblyman Dini to be Speaker of the Assembly.

Mr. Secretary of State appointed Assemblymen Evans and Perkins as a committee to escort the Speaker to the rostrum.

Mr. Speaker presiding.

Assemblywoman Freeman moved that Secretary of State Heller be given a unanimous vote of thanks for his services to the Assembly.

Motion carried unanimously.

Mr. Speaker appointed Assemblymen Ohrenschall and Lambert as a committee to escort the Secretary of State to the bar of the Assembly.

The appointed committee escorted Secretary of State Heller to the bar of the Assembly.

Remarks by Mr. Speaker.

Assemblywoman Chowning requested that Mr. Speaker's remarks be entered in the Journal.

I want to thank each and every one of you for this high honor you've bestowed upon me. It is certainly an honor and a pleasure to accept the Speakership for the Sixty-ninth Session of the Nevada Legislature. This is a wonderful day. I hope that this program made it a happy event for you. I know that the Chief Clerk worked very hard to bring it all together to make it a festive day for each and every one of you and your families.

Two years ago, I was fortunate enough to have this same experience along with my colleague, Lynn Hettrick of Gardnerville. We shared the Speakership as a result of the historic tie between the Republicans and Democrats in this house. At that time I said I'd always learned that in Nevada, 21 was supposed to be a lucky number. It was when I was dealing cards. Well, as it turned out, it was, thanks to the hard work and bipartisan effort of people of both parties who served here in 1995.

As I stand before you today, I am once again reminded about Nevada and luck, because this is the seventh time going back to 1977 that I have had the fortune to serve as Speaker of this house.

About now, I'd guess we all feel a little lucky. For openers, we're lucky to be Nevadans, we're lucky to have been able to weather the storm of our campaigns, and we're lucky to have earned the confidence of the people back home who sent us here to do the job. As I look out over the audience, I'm impressed with the extensive background and experience of you assemblymen and assemblywomen of this body. This is a talented group and a diverse group. For a moment I'd like to tell you a little about you.

There are far more here than just the butcher and the baker and the candlestick maker. The members of this house write; they manage investments; they teach our children; they represent citizens in court; they sell real estate; they manage small businesses, households, community affairs, and ranches; they work in healthcare; to protect our streets; and consult with businesses and a great deal more. And although you may have guessed by now that it isn't me, we even have a nuclear physicist in our crowd! If that's not enough, when all else goes wrong in this chamber in the middle of a true crisis, we have a plumber. So who says we can't get a plumber when we need one!

The 42 members of this house have a wealth of experience–the kind of experience that will prove invaluable in coping with the broad range of issues Nevada faces today, January 20, 1997.

Because we're at the front end of 1997, I thought I'd share with you a few predictions which the *American Forecaster Almanac* has for 1997. I'm not sure just how that fits in our legislative program, but if they do – what's in this year, according to the *Almanac*, are: the nerd look; cocktails parties; big hair for women, and e-mail. What they say is out includes rap music; casual Fridays; camp outs, and country music. So feel free to conduct yourselves accordingly if it fits.

A few moments ago I mentioned that luck. On the topic of luck, I'm reminded of the old saying that people tend to make their own luck. That's what my dad told me many years ago. And I suggest that hard work might be a good way to make some of your luck this session. Theodore Roosevelt said, "Far and away the best prize that life offers is the chance to work hard at work worth doing."

Believe me, in light of that statement, there will be no shortage of prizes to go around. There are many issues which will demand your hard work in 1997 at the Nevada State Assembly. Just a few of the things you'll be asked to approve laws on, and I might add, make history on because they surely will be put to the test of time, are: education, from kindergarten through college; prisons; penalties on criminals; welfare reform; healthcare; senior citizens; campaign reform; natural resources; infrastructure; floods, and much more.

For you newcomers, as a freshman here just a couple of years ago, I thought to myself – that was a great moment. I was advised of the value of hard work by my dear friend, Assemblyman Joe Vianni of Hawthorne, who was my legislative mentor. He admonished me to gather all the facts; do your homework; listen to the arguments on both sides of the issues; and then do a little more thinking.

Often there will be pressure to take an early position on bills and sometimes that's a good idea. However, he advised me, and I might suggest to you, to do it cautiously. If you sign on to an important measure without getting all the information, only to find out that you had a bad position, you are faced with a dilemma. Either stick with the wrong position and ride out a bad issue, or flip flop and lose credibility. Both are poor choices, so be thoughtful. And make no mistake about it, this is a critical time for our State of Nevada.

It is no news to you that ours is the fastest growing state in the Union. Henderson, once a little sleepy suburb of Las Vegas, has 120,000 residents. Reno and Carson City are booming, and rural Nevada is growing as well.

However, when it comes to the booming nature of Nevada, just the other day I was reading a news story in Las Vegas which really put it in perspective. It said of the New Year's Eve when they imploded the Hacienda Hotel down there, that there were more people to see that event live than there were on Times Square in New York at midnight on New Year's Eve. It is estimated there were half a million people watching that event on the Strip. Friends, that is more people than were in the entire State of Nevada when I first came here to the Assembly in 1967. That's why I say you're in a history-making time. We've moved up to the high speed. How quickly you grasp the volume and complexity of these issues will go a long way in determining Nevada's very future.

As many of you know, I've had major events in my life in the past couple of years, many of them since the last legislative session. Now I'm not referring to crashing my car into a herd of wild horses at Stagecoach, and yes, there was a two-for-one hamburger sale at the restaurant at Dini's, but no, it wasn't horse meat!

Seriously, I'm very happy and honored to have someone special with me today. She is the most special event in my recent life. She is no stranger to most of you, because for 22 years, she was right up here in the very front of this Chamber, both literally and figuratively. Last session she kept me straight while I was at the rostrum; now she keeps me straight, and I might add, very happy in my life away from the Assembly. Please help me welcome back to this Chamber, Mouryne Landing, someone who I call Mrs. Dini now. Mouryne is always giving duties – I looked at the NRS the other day, and it said that statutorily the Chief Clerk is to "assign the duties of the Assembly employees." I'm not sure that applies to former Chief Clerks, but I can tell you she does assign duties around the house. The only thing that I'm not going to do that she wanted me to do was the macarena. I would resemble Al Gore doing the macarena. I've haven't lost a step on the dance floor, but I think I'll pass. I rather prefer the slow numbers anyway.

I want to take this opportunity to thank my family for being here, three of my four sons are here, and their families, and if they would please stand, we can give you all a hand. I got a whole flock of them back there. You're never going to get rid of the Dinis; we're here forever now. Three of my great grandchildren are back there, a set of twins. I think they must have

gone for a walk – no, they're way back in the back window, and three great grandchildren are back there. See, you're never going to get rid of us.

Just this one last suggestion. This is an important assignment you undertake as members of the Assembly. Hard work, fairness and honesty will serve you well. Having worked with Assembly Minority Leader Lynn Hettrick as Co-Speaker last session, I know he expects the same from his side of the aisle. When you get down to it, the public doesn't much care about political party. They care about performance.

In closing, let me once again welcome you here, Nevada State Assembly Class of '97. Enjoy this moment; it's yours. You've worked hard to get here and you deserve it. God bless you, and let's roll up our sleeves, work together regardless of party affiliation, hometown or anything else. Let's get the job done for the people of the State of Nevada. Thank you.

A committee from the Senate composed of Senators McGinness, Augustine and Schneider appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Mr. Speaker declared that nominations were in order for Speaker pro Tempore.

Assemblywoman Buckley nominated Assemblywoman Evans for Speaker pro Tempore.

Assemblyman Goldwater moved that the nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblywoman Jan Evans to be Speaker pro Tempore of the Assembly.

Remarks by Madam Speaker pro Tempore.

Assemblyman Perkins requested that Assemblywoman Evans' remarks be entered in the Journal.

Thank you, Mr. Speaker. To you and through you, it is indeed an honor to hold this post. I was equally blessed, however, two years ago. I was able to share it with the distinguished Assemblywoman Tiffany, from the great city of Henderson. And I look forward to serving with her and having her counsel again this Session.

I might add as a sidebar, this is the first time since 1991 that I have been able to be sworn in without a cloud hanging over my head. That is indeed a pleasure, and to all of you who have not had that experience, I would simply say, don't take this for granted. It's very special.

Mr. Speaker declared that nominations were in order for Chief Clerk.

Assemblyman Price nominated Mrs. Linda B. Alden to be Chief Clerk.

Assemblywoman Giunchigliani moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Mrs. Linda B. Alden to be Chief Clerk of the Assembly.

Mr. Speaker appointed Assemblymen Williams, de Braga and Hettrick as a committee to inform the Senate that the Assembly was organized and ready for business.

Mr. Speaker appointed Assemblymen Perkins, Buckley and Ernaut as a committee to inform the Governor that the Assembly was organized and ready for business.

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

Assembly in recess at 2:22 p.m.

ASSEMBLY IN SESSION

At 2:24 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Perkins reported that his committee had informed Acting Governor Lonnie L. Hammargren that the Assembly was organized and ready for business.

Assemblyman Williams reported that his committee had informed the Senate that the Assembly was organized and ready for business.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: Brendan Riley, Dee-Ann Durbin, Martha Bellisle, THE ASSOCIATED PRESS; Andrew Putz, DAILY SPARKS TRIBUNE; Rex Steninger, Dan Steninger, Adella Harding, Steve Sexton, Mel Ewald, Mark Waite, ELKO DAILY FREE PRESS; Laura Tennant, Betty Aleck, FERNLEY LEADER-DAYTON COURIER; Susan Brockus, Lorrie Baumann, THE HUMBOLT SUN; Anne Pershing, Ron Eland, Heather Singer, Larry O'Hanlon, LAHONTON VALLEY NEWS; Dennis Myers, LAS VEGAS BUSINESS PRESS; Ed Vogel, Sean Whaley, Jane Ann Morrison, Jeff Scheid, LAS VEGAS REVIEW-JOURNAL; Rick Fuentes, Mark Renfro, KVBC-TV; Larry Henry, Cy Ryan, Jeff German, Steve Kanigher, Jeff Schweers, Steve Sebelius, Teresa Hinds, Debra Bass, Rachael Levy, David Clayton, LAS VEGAS SUN; Connie Simkins, Shelley Wadsworth, Tami Hilton, LINCOLN COUNTY RECORD; Jim Sanford, Dave Sanford, Keith Trout, Cory Sanford, Toni Inserra, MASON VALLEY NEWS; Frank Hughes, Tony Hughes, Ted Hughes, MINERAL COUNTY INDEPENDENT-NEWS; Geoff Dornan, Teya Vitu, Sharon Carter, Jody Rice, John Sammon, Kelli DuFresne, Christy Chalmers, Bob Kretschman, NEVADA APPEAL; Scott

Sibley, NEVADA LEGAL NEWS; Dennis Myers, NEVADA WOMEN; Dorothy Kosich, NORTH AMERICAN MINING; Irwin M. Goldberg, Vincent Hernandez, Teresa Mills, Bill Husa, NORTH LAKE TAHOE BONANZA, Erica Olsen, ONLINE NEVADA; Mary Ann McNeill, Doug McMurdo, Patti Babcock, Emmanuel Martirez, PAHRUMP VALLEY GAZETTE; Jon Ralston, THE RALSTON REPORT; Sheila Gardner, Michael Schneider, Linda Hiller, Belinda Rohleder, Bonnie Larkin, RECORD COURIER; Bill O'Driscoll, Faith Bremner, RENO GAZETTE-JOURNAL; Dennis Myers, RENO NEWS AND REVIEW; Patrick McCartney, Jennifer Ragland, Bob Bhatt, TAHOE DAILY TRIBUNE; Richard Stromatt, B. J. Stromatt, Alex Wagner, Rhonda Willmon, THE VALLEY OBSERVER.

Motion carried.

COMMUNICATIONS

STATE OF NEVADA
EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89710, January 13, 1997

THE HONORABLE JOSEPH E. DINI, JR., *Speaker of the Assembly*, Nevada State Legislature, Legislative Building, Carson City, Nevada 89710

DEAR JOE:

With permission of your honorable body, I propose to deliver my State of the State message to the Sixty-Ninth Session of the Nevada Legislature, Thursday, January 23, 1997, at 7:00 p.m. in the Assembly Chambers of the Legislative Building.

My very best wishes to you and the Assembly for a productive and expeditious session. I look forward to working with all of you during the legislative session.

Sincerely,
BOB MILLER
Governor

UNITED STATES SENATE
WASHINGTON, D. C. 20510-2804

CARSON CITY, NEVADA, January 8, 1997

SPEAKER JOE DINI, *Speaker of the Assembly*, Nevada State Legislature, Legislative Building, Carson City, Nevada 89710

DEAR JOE:

I am writing to request the privilege of speaking before both houses of the Nevada State Legislature at 11:00 a.m. on Wednesday, February 19, 1997.

Mary Conelly, Regional Manager for my Reno office, will be coordinating the details of my visit. She can be reached at 702/686-5750.

I look forward to seeing you soon.

Sincerely,
HARRY REID
United States Senator

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515-2801

January 14, 1997

THE HONORABLE JOSEPH DINI, JR., *Speaker of the Assembly*, Nevada State Legislature, Legislative Building, Carson City, Nevada 89710

DEAR SPEAKER DINI:

My office was informed that February 20, 1997, at 11:00 a.m. is available for me to address the Nevada State Legislature. I would very much like to confirm this time and request your consent to do so.

Please contact my scheduler, Chirsty Guedry, in my Las Vegas office at (702) 731-1801 at your earliest convenience.

Sincerely,
JOHN E. ENSIGN
Member of Congress

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE
CARSON CITY, NEVADA 89710, January 20, 1997

LINDA B. ALDEN, *Chief Clerk of the Assembly*, Legislative Counsel Bureau, Carson City, Nevada 89710

DEAR LINDA:

In compliance with NRS 218.390, I am returning Assembly Joint Resolutions 12, 13, 14, 17, 19 and 33 of the 68th session. Please deliver to the presiding officer of the Assembly for consideration.

Sincerely,
DEAN HELLER
Secretary of State

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE
CARSON CITY, NEVADA 89710, January 20, 1997

LINDA B. ALDEN, *Chief Clerk of the Assembly*, Legislative Counsel Bureau, Carson City, Nevada 89710

DEAR LINDA:

In compliance with NRS 218.430, I am returning Assembly Bill 367 of the 68th session of the Nevada Legislature which was vetoed by Governor Miller.

The Governor's veto messages are also enclosed.

Respectfully,
DEAN HELLER
Secretary of State

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried

Assembly in recess at 3:02 p.m.

ASSEMBLY IN SESSION

At 3:04 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

PREFILED JOINT RESOLUTIONS

By Assemblywoman Segerblom:

Assembly Joint Resolution No. 1—Proposing to amend the constitution of the State of Nevada to establish a right of privacy.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 1 of the constitution of the State of Nevada be amended to read as follows:

Section [.] 1. All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety [and happiness.] , *happiness and privacy.*

Assemblyman Perkins moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Bennett:

Assembly Joint Resolution No. 12 of the 68th Session—Proposing to amend the Nevada constitution to prohibit an exemption for elected public officers from laws applicable to the general public.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4 of the constitution of the State of Nevada, to read as follows:

Sec. 38. 1. The legislature shall not enact any law or provision of law exempting any elected public officer from the provisions of a law otherwise applicable to all members of the general public.

2. This section applies prospectively from the date of enactment and does not invalidate any provision of law enacted before that date nor limit any further amendment of any such law, except that no new exemption may be amended into an existing law.

Assemblyman Perkins moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Joint Resolution No. 13 of the 68th Session —Proposing to amend the constitution of the State of Nevada to provide for the resolution of conflicts between certain amendments of statutes and constitutional provisions.

RESOLVED BY THE ASSEMBLY AND THE SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 16 of the constitution of the State of Nevada be amended to read as follows:

Section 1. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members

elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2 [,] *or section 2 of article 19 of this constitution,* become a part of the Constitution.

2. If two or more amendments which affect the same section of the constitution are ratified by the people *pursuant to this section* at the same election:

(a) If all can be given effect without contradiction in substance, each shall become a part of the constitution.

(b) If one or more contradict in substance the other or others, that amendment which received the largest favorable vote, and any other *ratified* amendment or amendments compatible with it, shall become a part of the constitution.

3. If, after the proposal of an amendment, another amendment is ratified *pursuant to this section* which affects the same section of the constitution but is compatible with the proposed amendment, the next legislature if it agrees to the proposed amendment shall submit such proposal to the people as a further amendment to the amended section. If, after the proposal of an amendment, another amendment is ratified *pursuant to this section* which contradicts in substance the proposed amendment, such proposed amendment shall not be submitted to the people.

And be it further

RESOLVED, That section 2 of article 19 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the limitations of section 6 of this article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the legislature is held. After its circulation, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article. If the statute or amendment to a statute is rejected by the legislature, or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or

disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the legislature rejects such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. *If at the session of the legislature to which an initiative petition proposing an amendment to a statute is presented which the legislature rejects or upon which it takes no action, the legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the secretary of state in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the legislature.*

4. If the initiative petition proposes an amendment to the constitution, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the secretary of state not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall , *unless precluded by subsection 5 or 6,* become a part of this constitution upon completion of the canvass of votes by the supreme court.

5. If two or more measures which affect the same section of a statute or of the constitution are finally approved pursuant to this section, or an amendment to the constitution is finally so approved and an amendment proposed by the legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this section, another amendment is finally approved pursuant to this section, or an amendment proposed by the legislature is ratified, which affects the same section of the constitution but is compatible with the amendment given first approval, the secretary of state shall publish and resubmit at the next general election the amendment given first approval as a further

amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the secretary of state shall not submit the amendment given first approval to the voters again.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Dini, Bache, Manendo, Spitler, Krenzer, Chowning, de Braga, Giunchigliani, Neighbors, Price, Perkins, Marvel, Hettrick, Monaghan, Close and Segerblom:

Assembly Joint Resolution No. 14 of the 68th Session—Proposing to amend the constitution of the State of Nevada to remove the Lieutenant Governor from the position of President of the Senate, and to abolish the additional expense allowance paid to the Speaker of the Assembly and President of the Senate.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That sections 6 and 33 of article 4 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec.* 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers , [(except the President of the Senate),] determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member.

[Sec:] *Sec.* 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for not to exceed 60 days during any regular session of the legislature and not to exceed 20 days during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member . [; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.]

And be it further

RESOLVED, That section 17 of article 5 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 17. A Lieutenant Governor shall be elected at the same time and places and in the same manner as the Governor and his term of Office, and his eligibility, shall also be the same. [He shall be President of the Senate, but shall only have a casting vote therein.] If during a Vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President [*pro-tempore*] of the Senate shall act as Governor until the vacancy [be] *is* filled or the disability [cease.] *ceases.*

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Neighbors, de Braga, Segerblom, Ernaut, Hettrick and Marvel:

Assembly Joint Resolution No. 17 of the 68th Session—Proposing to amend the constitution of the State of Nevada to allow the legislature to designate places in the county other than the county seat for holding terms of the district court.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 7 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 7. The times of holding the Supreme Court and District Courts shall be as fixed by law. The terms of the Supreme Court shall be held at the seat of Government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the state. The terms of the District Courts shall be held at the County seats of their respective counties [; Provided, that in case any county shall be hereafter divided into two or more districts, the Legislature may by law, designate the places of holding Courts in such Districts.] *unless the Legislature otherwise provides by law.*

Assemblyman Perkins moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Joint Resolution No. 19 of the 68th Session—Proposing to amend the Nevada constitution to authorize specifically the legislative review of administrative regulations.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 3 of the constitution of the State of Nevada be amended to read as follows:

Section [.] 1. *1.* The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases [herein] expressly directed or permitted [.] *in this constitution.*

2. If the legislature authorizes the adoption of regulations by an executive agency which bind persons outside the agency, the legislature may provide by law for:

(a) The review of these regulations by a legislative agency before their effective date to determine initially whether each is within the statutory authority for its adoption;

(b) The suspension by a legislative agency of any such regulation which appears to exceed that authority, until it is reviewed by a legislative body composed of members of the Senate and Assembly which is authorized to act on behalf of both houses of the legislature; and

(c) The nullification of any such regulation by a majority vote of that legislative body, whether or not the regulation was suspended.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Anderson, Goldwater, Fettic, Ohrenschall, Arberry, Perkins, Price, Williams, Schneider, Segerblom, Carpenter, Neighbors, de Braga, Evans, Brower, Spitler, Chowning, Close, Giunchigliani and Bache:

Assembly Joint Resolution No. 33 of the 68th Session—Proposing to amend the Nevada constitution to authorize specifically the legislative review of administrative regulations.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 21 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 21. 1. A justice of the supreme court, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the commission on judicial discipline. [A] *Pursuant to rules governing appeals adopted by the supreme court, a* justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

(a) Two justices or judges appointed by the supreme court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. [The supreme court shall make appropriate rules for:

(a)] *The legislature shall establish:*

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the commission may impose;

(b) The grounds for censure and other disciplinary action that the commission may impose, including, but not limited to, violations of the provisions of the code of judicial conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality *or nonconfidentiality, as appropriate,* of [all] proceedings before the commission, except *that, in any event,* a decision to censure, retire or remove a justice or judge [.

(b) The grounds of censure and other forms of discipline which may be imposed by the commission.

(c) The conduct of investigations and hearings.] *must be made public.*

6. *The supreme court shall adopt a code of judicial conduct.*

7. *The commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.*

8. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

[7. Any person may bring to the attention of the commission any]

9. Any matter relating to the fitness of a justice or judge [.] *may be brought to the attention of the commission by any person or on the motion of the commission.* The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

[8.] *10.* If a proceeding is brought against a justice of the supreme court, no justice of the supreme court may sit on the commission for that proceeding. If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

[9.] *11.* The commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.

Assemblyman Perkins moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 69th session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as amended by the 68th session are adopted, with the following changes, as the Joint Rules of the Senate and Assembly for the 69th session of the Legislature:

1

COMMITTEES OF CONFERENCE

To Be Appointed by One House at Request of the Other.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject

matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two committees of conference on any bill or resolution. A majority of the members of a committee of conference from each House must be members who voted for the passage of the bill or resolution.

2

MESSAGES

Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full upon the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The Secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full upon the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Clerk, who shall be announced by the doorkeeper, enter within the bar, announce and deliver his message.

3

BILLS

Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the Secretary or Clerk of the House from which such notice is sent.

4

BILLS AND JOINT RESOLUTIONS

Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after announcement is made of their intention to do so, sign it in open session and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

5

Reserved.

6

PRINTING

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the

person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

7

RESOLUTIONS

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these joint rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections and Procedures before submission to the Legislative Counsel.

8

VETOES

Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read by the Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

9

ADJOURNMENT

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

10

EXPENDITURES FROM THE LEGISLATIVE FUND

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

11

LEGISLATIVE COMMISSION

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent. If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

12

RECORDING COMMITTEE PROCEEDINGS ON AUDIO TAPE

1. Each standing committee of the Legislature shall record on audio tape the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each tape with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the tape was recorded;

(b) Keep the tapes in chronological order; and

(c) Deposit the tapes immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the tapes;

(b) Make the tapes available for listening by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person listening to any tapes and identifying the tapes listened to; and

(d) Retain the tapes for two bienniums and at the end of that period dispose of the tapes in any manner he deems reasonable.

13

REAPPORTIONMENT

The Committee on Government Affairs of the Senate and the Committee on Elections and Procedures of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these committees.

14

LIMITATION ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

1. Except as otherwise provided in subsection 2, any request submitted, after a regular legislative session has convened, to the Legislative Counsel for the drafting of a bill or resolution will not be honored by the Legislative Counsel unless the request is approved by:

(a) A two-thirds vote of the members present in the House where it is to be introduced; or

(b) A standing committee of that House if the request was approved by two-thirds of all of the members of the committee before the request was submitted to the Legislative Counsel. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

2. After a regular legislative session has convened, the Legislative Counsel shall honor not more than 5 requests from each Assemblyman and not more than 10 requests from each Senator for the drafting of a bill or resolution which has not received the approval required by subsection 1.

3. After the first 10 calendar days of a regular legislative session, bills and joint resolutions may be introduced by:

(a) Standing committees without consent. A measure introduced by a standing committee *at the request of a legislator or organization* must indicate the [person] *legislator* or organization at whose request the measure was drafted.

(b) Except as otherwise provided in subsection 4, a member who had requested the drafting of the bill or resolution by the Legislative Counsel before the 16th calendar day of the legislative session.

4. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills and joint resolutions requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills and joint resolutions requested by or on behalf of a standing committee must be introduced by that committee.

5. Simple and concurrent resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

6. If two or more measures are being considered in the same house which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

7. A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

8. Consent to suspend this rule may be given only by the affirmative vote of a majority of the members elected to the House where it is to be introduced, which must be entered in its Journal for that day, and the consent may apply to no more than one bill or resolution or request for drafting.

15

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

16

TIME LIMITATIONS ON INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may not be introduced after the 15th legislative day.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may be introduced only during the 15 legislative days following delivery.

17

DATE OF FIRST JOINT BUDGET HEARING

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.

18

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;

5. The effect the required coverage will have on the cost of health care provided in this state; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

19

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

20

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all legislators, lobbyists, legislative interns and employees of the Legislature, including supervisors and coworkers. Each member, lobbyist, legislative intern and employee of the Legislature is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. For the purposes of this rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including, but not limited to:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission,

when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

4. If a person believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly, if the complaint involves the conduct of a member, legislative intern or employee of the Assembly or a lobbyist;

(b) The Majority Leader of the Senate, if the complaint involves the conduct of a member, legislative intern or employee of the Senate or a lobbyist; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

5. Except as otherwise provided in subsection 6, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint against a member, legislative intern or employee of a certain House to a committee consisting of legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

6. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections and Procedures of the Assembly or the Committee on Legislative Affairs and Operations of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or

the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

7. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

8. If the investigation reveals that sexual harassment has occurred, the Legislature will take remedial action against the member, lobbyist, legislative intern or employee which is commensurate with the severity of the offense. The committee shall inform the complainant of any action taken against the member, lobbyist, legislative intern or employee. The Legislature will also take any action necessary to deter any future harassment.

9. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

10. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

11. Action taken by a complainant pursuant to this rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

21

VOTE ON GENERAL APPROPRIATION BILL

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its house of origin.

22

USE OF LOCK BOXES BY STATE AGENCIES

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 1—Providing for the appointment of attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 69th session of the Legislature of the State of Nevada: Jacqueline Sneddon, Lucinda Benjamin, Bonnie Borda, Susan Furlong Reil, Carolyn Grabski, Terry Sullivan, Jason Hataway, Rebecca Lawson, Joe Crawford, Christopher Brunsvold, Nicole Geissler, Greg Torres, Michael Wiese, Jeanne Douglass, Heather Collins, Susan Herman, Patricia Hicks, Marcelene Wehry, Carole Johnston, Laverna Marwin, Harle Glover, Philene Anderson, Matthew Baker, Jane Baughman, Cynthia Clampitt, Lori Conforti, Joi Davis, Erin DeLong, Vicki Folstad, Barbara Gray, Virginia Letts, Sara Kaufman, Nykki Kinsley, Janice Luevano, Yhvona Martin, Jean McGuire, Brenda Olson, Carmela Porcella, Jo Rasey, Sherie Silva, Sharon Spencer, Ann Van Nostrand, Rita Ahart, Iris Bellinger, Ann Buoncristiani, Catalina Cabral, Mark Carlson, Carole Cavolick, Reba Coombs, Linda Cooper, Linda Corbett, Stephany Corral, Cecile Crofoot, Irene Davis, Kathleen Day, Naomi Dottei, Elizabeth Frankel, Kristi Geiser, Marge Griffin, Donna Hancock, Joyce Hess, Barbara Houger,

Ralph Keetch, Jr., Dana Langdon, Kelly Liston, Jana Mabry, Carolyn Maynick, Lois McDonald, Marilyn McElhany, Francis Noe, Barbara Pryor, Debra Spieth, Lela Rude, Sheila Sease, Jasmine Shackley, Nancy Smart, Cindy Southerland, Marlene Staub, Carol Thomsen, Frankie Valley, Dyan Merritt, Brent Alverson, Bruce Pfeiffer, Edward Cordisco, Jr., Mary Carel, Katie Beydler, Norm Budden, Melvin Cowperthwaite, John Davis, Jr., Juanita Heston, Kathleen Jorgenson, Lois LaHair, Steve Lamoreaux, Kevin Magrane, Ron Marwin, Bob Maynick, Birgitta Metz, Reid Meyer, Barbara Morgan, Mike Pintar and Shanna Pozzi.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 2—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 3—Adopting the Standing Rules of the Assembly for the 69th legislative session.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules as amended by the 68th session are adopted, with the following changes, as the Standing Rules of the Assembly for the 69th session of the Legislature:

I. OFFICERS AND EMPLOYEES

Duties of Officers

1

[Speakers] *Speaker* of the Assembly.

1. All officers of the Assembly are subordinate to the [Speakers] *Speaker* in all that relates to the prompt, efficient and correct discharge of their official duties under [the Speakers'] *Speaker's* supervision.

2. Possessing the powers and performing the duties described in this rule, the [Speakers] *Speaker* shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the [Speakers have] *Speaker has* the right, in [their places,] *the Speaker's place,* to assign the reason for [their] *the* decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the press, radio and television, and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly or any committee thereof.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the [Speakers] *Speaker* shall not be required to vote in ordinary legislative proceedings except where [their votes] *the Speaker's vote* would be decisive. In all aye and no votes, the [Speakers' names, in alphabetical order,] *Speaker's name* shall be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of [a] *the* Speaker, the [corresponding] Speaker pro Tempore shall temporarily and for the period of vacancy or disability [act in that Speaker's place to] conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in [an] *the* office of Speaker, the Assembly shall select a new Speaker.

2

Reserved.

3

Reserved.

4

Reserved.

5

Reserved.

6

Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

10

Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

11

Open Meetings.

All meetings of the Assembly and its standing committees shall be open to the public.

12

Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

20

Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the [Speakers] *Speaker* shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

21

Reserved.

22

Reserved.

23

Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) [Four] *Two* members of the Assembly appointed by the [Speakers; and

(b)] *Speaker from the majority political party;*

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to [paragraph (a),] *paragraphs (a) and (b),* neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The [Speakers] *Speaker* shall appoint two members of the Assembly, one from [each major] *the majority political party and one from the minority* political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the [chairmen and he] *chairman. The chairman* shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

30

Manner of Voting.

1. The presiding officer shall declare all votes , but the ayes and noes shall be taken when called for by three members present, and the names of those calling for the ayes and noes shall be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for ayes and noes by a division or by a roll call, either electronic or oral.

3. When taking the ayes and noes on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the ayes and noes by oral roll call, the Chief Clerk shall take the names of members alphabetically except that the [Speakers, in alphabetical order,] *Speaker* shall be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The ayes and noes shall not be taken with the electronic roll call system until all members present are at their desks. The [Speakers and the Speakers pro Tempore] *presiding officer* may vote at [their desks or at] the rostrum.

7. Only a member, certified by the Committee on Credentials or special committee of the Assembly, may cast a vote in the Assembly. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

31

Reserved.

32

Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

33

Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

V. LEGISLATIVE BODIES

40

Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, fourteen members.
3. Taxation, [twelve] *eleven* members.
4. Education, [twelve] *eleven* members.
5. Elections [and Procedures, twelve] , *Procedures, and Ethics, nine* members.
6. Natural Resources, Agriculture , and Mining, [ten] *eleven* members.
7. Labor and Management, [ten] *nine* members.
8. Transportation, [ten] *nine* members.
9. Commerce, [twelve] *eleven* members.
10. Health and Human Services, [twelve] *ten* members.
11. Government Affairs, fourteen members.
12. [Economic Development and Tourism, eight] *Infrastructure, eleven* members.

41

Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the [Speakers,] *Speaker,* unless otherwise directed by the Assembly. The [Speakers] *Speaker* shall designate the [chairmen and vice chairmen] *chairman and vice chairman* of each committee.

2. To facilitate the full participation of the members during [the adjournment required by] *an adjournment called pursuant to* NRS 218.115, the [Speakers] *Speaker* may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

42

Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule.

2. [Except as otherwise provided in subsection 3, motions] *Motions* may be moved, seconded and passed by voice vote by a simple majority of those present.

3. Definite action on a bill or resolution will require a majority of the entire committee . [except when the vote on a motion to report a bill or resolution to the floor, with or without amendment, results in a tie vote of the entire committee. In that case, the bill or resolution must be reported out of committee without a recommendation for action. The vote on such a bill or resolution may be reconsidered at any time before the bill or resolution is transmitted back to the Assembly, upon a motion to reconsider which is approved by a majority of the entire committee. Such a motion to reconsider may be made by any member of the committee.]

4. [Except as otherwise provided in subsection 3, a] *A* two-thirds majority of all the committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures which are not prefiled requires concurrence of two-thirds of the committee and does not imply commitment to support final passage.

6. The [chairmen] *chairman* shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

43

Subcommittees.

Subcommittees made up of committee members may be appointed by the [chairmen] *chairman* to consider and report back on specific subjects or bills.

44

Committee on Elections [and Procedures.] , *Procedures, and Ethics.*

The Committee on Elections [and Procedures] , *Procedures, and Ethics* has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

45

Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the [Speakers] *Speaker* shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections [and Procedures.] , *Procedures, and Ethics.* The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7

calendar days after the [Speakers] *Speaker* received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the [Speakers] *Speaker* shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The [Speakers] *Speaker* shall not adjourn the Assembly until it has declared a person to be elected.

4. The [Speakers] *Speaker* shall inform the Governor of the identity of the person declared to be elected by the Assembly.

46

Committee Action on Reports.

Committee reports shall be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution shall be recorded. The vote may be taken by roll call at the discretion of the [chairmen.] *chairman.*

47

Committee Records.

The [chairmen] *chairman* of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there shall be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The [name of the chairman presiding;
4. The] names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

[5.] *4.* The subjects or measures considered and action taken.

48

Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen shall be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

49

Committee Hearings.

A public hearing must be held on each bill and resolution which is referred to committee. The presence of a quorum of the committee is desirable but not required. Public hearings are opened by the [presiding] chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the [presiding] chairman, address the chair [,] *and* furnish their names, addresses and firms or other organizations represented. Committee members may address the [presiding] chairman for permission to question the witness. When all persons present have been heard, the [presiding] chairman may declare closed the portion of the meeting wherein the committee will accept public testimony on the matter before proceeding to other matters.

50

Reserved.

51

Reserved.

52

Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

The next rule is 60.

VI. RULES GOVERNING MOTIONS

60

Entertaining.

No motion shall be debated until the same be distinctly announced by the presiding officer; and it shall be reduced to writing, if desired by the [Speakers] *presiding officer* or any member, and be read by the Chief Clerk before the same shall be debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

61

Reserved.

62

Reserved.

Particular Motions

63

Reserved.

64

Reserved.

65

Indefinite Postponement.

When a question is postponed indefinitely, the same shall not be considered again during the session and the question shall not be subject to a motion for reconsideration.

66

To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution shall not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

67

Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

68

To Reconsider—Precedence Of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of Motions and Resolutions, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session.

The next rule is 80.

VII. DEBATE

80

Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

81

Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. Rules and Procedure

90

Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

91

Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

92

Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3:

(a) All committees shall provide notice of public hearings on bills, resolutions or topics of high public importance at least 5 calendar days before such hearings.

(b) Notice for public hearings on bills, resolutions and topics not deemed by the chairmen to be of high public importance must be provided at least 24 hours before such hearings.

(c) Notice shall also be provided for all other committee meetings at least 24 hours in advance of such meetings.

Notices in all cases shall include the date, time, place and agenda to be covered and shall be posted conspicuously in the legislative building, appear in the daily history and be made available to the press. *The daily history must include the most current version of the notice that is available at the time the daily history is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.*

2. The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

93

Reserved.

94

Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the [Speakers] *Speaker* to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

95

Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rule does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

96

Peddling and Soliciting.

Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto, and no part of said chamber or halls shall be used for, or occupied by signs or other devices for any kind of advertising.

97

Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the [Speakers,] *Speaker,* or by a member in [their] *the Speaker's* place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

98

Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

99

Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

100

Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly shall be as follows:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

101

Reserved.

102

Reserved.

103

Reserved.

B. Bills

104

Reserved.

105

Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

106

Skeleton Bills.

The introduction of skeleton bills is authorized after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes

of introduction and committee referral. Such bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed. The committee, if it treats the skeleton bill favorably, shall then request the draft of a completed bill in such detail as would afford the committee the opportunity of considering the legislative ideas proposed in context with all their necessary ramifications.

107

Reserved.

108

Reserved.

109

Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

110

Second Reading and Amendment of Bills.

1. All bills shall be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be [engrossed and] placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members shall be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended shall be reprinted, engrossed, and placed on the General File, and Senate bills so amended shall be reprinted, *then engrossed or* reengrossed, *as applicable,* and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as bills with committee amendments. Any bill so amended upon the General File shall be reprinted and *then engrossed or* reengrossed [.] , *as applicable.*

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

111

Consent Calendar.

1. On or before the 80th calendar day of a regular session, a standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended. [If the bill is an Assembly bill, it must be engrossed upon receipt by the Chief Clerk of the committee's recommendation.]

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. Unless postponed by motion, the consent calendar must be considered on Monday and Thursday. A bill reported on Friday to Monday, inclusive, is eligible to be considered on the following Thursday; a bill reported on Tuesday to Thursday, inclusive, is eligible to be considered on the following Monday.

4. At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he objects to the inclusion of a particular bill on the consent calendar. If a member so objects, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

5. During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

6. When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

112

Reserved.

113

General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings shall be placed upon a General File, to be kept by the Chief Clerk. No bill shall be considered by the Assembly until the regular order of business shall have been gone through. Then bills shall be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. [He] *The Chief Clerk* shall likewise post notices of special orders as made.

114

Reserved.

115

Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration shall be given on the day on which such final vote was taken by a member voting with the prevailing party. It shall not be in order for any member to move a reconsideration on the day on which such final vote was taken, except by unanimous consent. But there shall be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

116

Reserved.

117

Reserved.

C. Resolutions

118

Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions shall be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution shall be entered in the Journal in their entirety.

119

Reserved.

120

Order of Business.

The Order of Business must be as follows:

1. Roll Call.
2. Reading and Approval of Journal.

3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

121

Reserved.

122

Privileged Questions.

Privileged questions shall have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

123

Privilege of Closing Debate.

The author of a bill, resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

124

Reserved.

125

Reserved.

126

Vetoed Bills.

Bills which have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same, shall be taken up and considered immediately upon the coming in of the message transmitting the same, or shall become the subject of a special order, and when the message is received, or (if made a special order) when the special order is called, the said message or statement shall be read together with the bill or bills so disapproved or vetoed; and the message and bill shall be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the [Speakers] *Speaker* is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill [without] *unless* the same shall first have been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the [Speakers have] *Speaker has* stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill shall be entered upon the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

127

Reserved.

128

Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

140

Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees shall be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

141

Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly

Assemblywoman Giunchigliani moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION , FIRST READING AND REFERENCE

PREFILED BILLS

By Assemblywoman Segerblom:

Assembly Bill No. 1—An act relating to unfair employment practices; revising the provisions governing appeals from final judgments in actions for age discrimination in employment; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 2—An act relating to tort actions; requiring the reduction of specified collateral benefits from an award of damages in certain actions; limiting noneconomic damage awards in certain actions; providing for periodic payments of future damages in certain actions; limiting attorney's fees in certain actions; providing a statute of limitations for actions for product liability; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Segerblom:

Assembly Bill No. 3—An act relating to public highways; directing the department of transportation to construct or cause to be constructed a wall to function as a sound barrier alongside a certain portion of U.S. Highway No. 515 in Henderson; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By Assemblyman Close:

Assembly Bill No. 4—An act relating to elections; requiring the county or city clerk to include in each sample ballot a list of the names of the candidates for which there is no opposition; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 5—An act relating to campaign practices; requiring certain persons who conduct a persuasive poll by telephone or other electronic means to disclose the name of the person or organization that requested or paid for the poll; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 6—An act relating to education; requiring the board of trustees of each school district to provide or arrange for the provision of kindergarten education; requiring the completion of kindergarten as a prerequisite for admission to first grade; providing certain exceptions; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Manendo:

Assembly Bill No. 7—An act relating to traffic laws; authorizing the private enforcement of laws relating to parking for handicapped persons; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Sandoval:

Assembly Bill No. 8—An act relating to financial institutions; allowing a director or manager of a bank to hold his required shares of the bank in a revocable trust; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Manendo:

Assembly Bill No. 9—An act relating to criminal penalties; increasing the mandatory minimum penalty for certain crimes relating to the abuse of an older person; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 10—An act relating to the state legislature; requiring the immediate disclosure on the weekly list of bill draft requests of the name of the legislator who requests the preparation of a legislative measure; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 11—An act relating to residential facilities for groups; requiring the health division of the department of human resources to check the criminal history of each applicant for a license to operate a residential facility for groups and employee of a residential facility for groups; authorizing the health division to deny or revoke a license if an applicant for a license to operate a residential facility for groups or his employee has been convicted of a certain crime; requiring the administrator of or person licensed to operate a residential facility for groups to terminate the employment of an employee who has been convicted of a certain crime; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee of Health and Human Services:

Assembly Bill No. 12—An act relating to the Western Regional Higher Education Compact; authorizing the commissioners of the Western Interstate

Commission for Higher Education from the State of Nevada to require certain students to perform community service as a condition to receiving a support fee; extending the time for making the first installment of the loan of a student under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 13—An act relating to state welfare administration; requiring the department of human resources to contract only with a health maintenance organization that contracts with a federally-qualified health center to provide Medicaid managed care; requiring the department of human resources to include the University of Nevada School of Medicine in the development, implementation and delivery of any Medicaid managed care program; making a technical change replacing the term "assistance to the medically indigent" with "Medicaid" to make the references to Medicaid consistent throughout the Nevada Revised Statutes; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee of Government Affairs:

Assembly Bill No. 14—An act relating to land use; authorizing the governing body of a county or city to adopt an ordinance that allows a land developer to apply for an exemption from limits on residential density applicable to the land if the developer includes affordable housing in his development; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 15—An act relating to traffic laws; exempting peace officers, and certain providers of emergency medical services, who operate bicycles while on duty from complying with the provisions relating to the operation of bicycles under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 16—An act relating to public improvements; providing an exemption for obligors from the submission of an operating history before the issuance of bonds for affordable housing or residential housing for a corporation for public benefit; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 17—An act relating to taxation; authorizing the use of proceeds from the real property transfer tax for the development of affordable housing; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Elections, Procedures, and Ethics (On Behalf of Assemblywoman Giunchigliani):

Assembly Bill No. 18—An act relating to elections; expanding the area around a polling place where electioneering and the solicitation of votes is prohibited; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblyman Sandoval:

Assembly Bill No. 19—An act relating to civil liability; revising the provisions governing civil actions by persons who sustain damages while committing unlawful acts; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Sandoval:

Assembly Bill No. 20—An act relating to procedure in criminal cases; requiring the creation of a special account in the county general fund to be used to pay an attorney who is appointed to represent an indigent person in a capital case; requiring the county treasurer to deposit in the special account the money recovered from a defendant to pay for the costs of providing him with an attorney; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 21—An act relating to attorneys; authorizing a city attorney and a district attorney to defend a person in certain actions commenced in a court located outside the county in which they hold office; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Sandoval:

Assembly Bill No. 22—An act relating to community service; increasing the maximum number of hours of community service that a person may be required to perform under various circumstances; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics (On Behalf of Assemblywoman Giunchigliani):

Assembly Bill No. 23—An act relating to public officers; revising the residency requirements for public officers and candidates for public office; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Freeman:

Assembly Bill No. 24—An act relating to health care; requiring certain entities that issue policies of health insurance which provide health care services through managed care to allow a woman who is covered by any such policy to have direct access to any covered health care services for women; requiring that certain policies of health insurance include a provision in the policy authorizing a woman to remain in a hospital or medical facility for a minimum number of hours after giving birth to a child; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 25—An act relating to health care; requiring certain entities that provide health care services through managed care to pay for certain emergency medical services when the insured reasonably believes immediate medical attention is necessary; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 26—An act relating to health care; requiring certain entities that issue policies of health insurance which provide health care services through managed care to allow a woman who is covered by any such policy to have direct access to any covered health care services for women; requiring such policies to allow a woman to choose an obstetrician or gynecologist as her primary care physician; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 27—An act relating to health care; prohibiting certain entities that issue policies of health insurance which provide health care services through managed care from engaging in certain practices that restrict the actions of a provider of health care; prohibiting such entities from offering or paying an incentive to a provider of health care to induce the provider to deny, limit or delay medically necessary treatment to an insured; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 28—An act relating to health maintenance organizations; requiring a complaint system established by a health maintenance organization to include certain procedures for reviewing a complaint by an enrollee or a primary care physician; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Segerblom:

Assembly Bill No. 29—An act relating to health care; establishing a procedure that authorizes a qualified patient to direct that he not be resuscitated in the event of a cardiac or respiratory arrest; prohibiting certain acts that may interfere with the carrying out of such a direction; providing immunity for certain persons who comply with the procedure for not resuscitating a qualified patient who has chosen not to be resuscitated; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 30—An act relating to health care; creating the office of the advocate for the rights of patients of managed care organizations within the office of the attorney general and assigning duties thereto; creating an account in the attorney general's special fund for the office of the advocate; creating the advisory board for the rights of patients of managed care organizations and assigning duties thereto; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 31—An act relating to health care; providing in skeleton form for the creation of an office within the department of business and industry to regulate managed care organizations; transferring the duties of the commissioner of insurance related to the oversight of managed care organizations to the office; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Dini and Marvel:

Assembly Bill No. 32—An act relating to motor vehicles; providing for the issuance of special license plates indicating affiliation with a Masonic fraternity; providing a fee for the issuance or renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

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

Assembly in recess at 3:28 p.m.

ASSEMBLY IN SESSION

At 4:11 p.m.
Mr. Speaker presiding.
Quorum present

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 20, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Assemblywoman Giunchigliani requested that Assemblyman Anderson's remarks be entered in the Journal.

Thank you, Mr. Speaker. Dr. King's dream is indeed the dream of all Americans and a dream I think that we can all readily associate with. Although video clips of his speech have become famous in our classrooms, it is in reality the light of the fire that burns in all our hearts to make equality and the dream of democracy equal to all that brings him closer to each and every one of us in what we do every day. Hopefully, we can all support this resolution.

Resolution adopted.

Assemblyman Perkins moved that vetoed Assembly Bill No. 367 of the 68th Session be made a Special Order of Business for Tuesday, January 29, 1997, at 11:15 a.m.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Clyda Anderson, Natha Clyde Anderson, Carolyn Hooper, Lani Anderson, Eddie Anderson, Ross Hooper, Kelly Gardner, Rich Gardner, R. T. Gardner, Becca Gardner, and Whitney Gardner.

On request of Assemblyman Arberry the privilege of the floor of the Assembly Chamber for this day was extended to Darrell McAlister, Linda Hinson, and Anita Laruy.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Sallie Bache and Christine Bache.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Leola Armstrong.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Chan Kendrick, Ford Kendrick, and Carrie Rednour.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Cegavske, Adam Cegavske, Bret Cegavske, Ruth Jenwon, LaDonna Jewson, Pat Moelke-Dillion, and Bill Jewson.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Elmer Chowning, Judie Benet, Frankie Valley, Michael Stewart, and Cynthia Clampitt.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Gaye Close, Jack Close, Jr., Cheryl Close, Shawn Close, Justin Close, Tyler Close, Doug Hedger, Tiffany Hedger, Jonathon Hedger, Kedric Hedger, Steve Close, Cari Close, Alexis Close, Kristie Close, Jennifer Dudek, and
Heidi White.

On request of Assemblyman Dini, the privilege of the Floor of the Assembly was extended to Jay Dini, George Dini, David Dini, Kathy Marble, James Marble, Tony Marble, Nicholas Marble, Brandon Dini, Dominic Dini, Joshua Dini, Gretchen Dini, Jennifer Dini, Kristina Dini, David Glass, Mouryne Dini, Sheryl Seaman, Paul Seaman, Heather Dini, Evan Dini, Richard Gomez, James Thurman, Tiffany Thurman, Shamus Thurman, Helena Thurman, Monique Thurman, Norton Pickett, Vivian Pickett, Warren Schofield and Olivia Schofield.

On request of Assemblyman Ernaut, the privilege of the Floor of the Assembly was extended to Linda Sinclair, Yvonne Harrigan and Chris Vlautin.

On request of Assemblywoman Evans, the privilege of the Floor of the Assembly was extended to C. Dale Gray.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Jana Wright, Lawrence Giunchigliani and Myrna Giunchigliani.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Kerry Stalcup, Donna Katsimbras, Kayla-Lee Stalcup, Stephanie Stalcup, Jack Hoffer, Joyuce Hoffer, Scott Hoffer and Rita Ahart.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Ingrid Houvenaeghel.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Torres, Holly Torres, Tiffany Vallanueva, Stacy Perez, Eric Perez, Judy Perez, True Woodworth, Linda Cooper, Iris Hettrick, Arla Hettrick, Jerry Scott, Andrew Hettrick and Stephanie Turria.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Victor Koivisto, Bryan Medina, Beth Medina, Valerie Fitzpatrick and Nancy Smart.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Gregory Lambert and Ken Lambert.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Lee, Crystal Lee, Summer Lee, Blake Lee, Casey Lee, Lacey Lee and Alana Lee.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Del Bosque.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Willie Marvel, Sharon Andreason and Yhvona Martin.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Mortenson and Sheila Sease.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Michael, Hazel Michael, Kim Nolan, Joey Nolan and Ryan Nolan.

On request of Assemblywoman Ohrenschall, the privilege of the Floor of the Assembly Chamber for this day was extended to James Ohrenschall, Katie Ross and Maria Pintos.

On request of Assemblyman Sandoval, the privilege of the Floor of the Assembly was extended to Kelly Sandoval, Christopher Sandoval, Dillon Sandoval, James Sandoval, Madeline Sandoval, Ron Sandoval, Teri Sandoval, Kathleen Sandoval, Jim Teipner, Jean Teipner and Dottie Sandoval.

On request of Asssemblywoman Segerblom, the privilege of the Floor of the Assembly was extended to Richard Segerblom, Sharon Segerblom, Eva Segerblom and Carl Segerblom.

On request of Assemblywoman Von Tobel, the privilege of the Floor of the Assembly was extended to Jesse Brinkerhoff, Doreen Brinkerhoff, Jared Von Tobel, Chad Von Tobel, Janice Brinkerhoff and Jess Foster.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, January 22, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 4:19 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE THIRD DAY

CARSON CITY (Wednesday), January 22, 1997

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Our Father who art in Heaven, here we are again with a mixture of old and new. Old friends and new ones, a seasoned staff as well as new staff members, an old institution in new surroundings with new furnishings and those already famous new chairs.

We ask this session for the comfort and stability of the old, yet the energy and excitement of the new to keep us going and growing in harmony and compassion. Thank You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 20, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 33—An Act making an appropriation to the Great Basin College, Winnemucca Center, for equipment and landscaping; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 1.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Senate Bill No. 1:

YEAS—42.

NAYS—NONE.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, January 23, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:14 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), January 23, 1997

Assembly called to order at 11:20 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Heavenly God, I am told that the buzzword for this session is "infrastructure." I pray for each of our personal infrastructures. May You give each of us the support and strength we need. May You be our strength, for how can we plan a strong Nevada if we have little personal strength? May we know we need You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

COMMUNICATIONS

UNITED STATES SENATE
364 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D. C. 20510-2804
(202) 224-6244

January 16, 1997

THE HONORABLE JOSEPH DINI, JR., *Speaker of the Assembly*, Nevada State Legislature, Legislative Building, 401 South Carson Street, Carson City, Nevada 89710

DEAR JOE:

I would like to request your permission to address the Nevada State Legislature on Monday, February 3, 1997 at 11:00 a.m. Please contact Kay Zunino in my Reno office at 686-5770 if you have any questions. I appreciate your consideration of my request and I look forward to speaking to the Legislature on issues of mutual interest affecting Nevada.

Sincerely,

RICHARD H. BRYAN
United States Senator

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 22, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carpenter:

Assembly Bill No. 34—An Act relating to estates; eliminating certain fees charged by courts and county clerks for services related to the administration of small estates; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dini and de Braga:

Assembly Bill No. 35—An Act relating to district courts; increasing the number of judges in the third judicial district; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Carpenter, Sandoval, Neighbors, de Braga, Lambert, Anderson, Dini, Amodei, Marvel, Humke, Segerblom, Giunchigliani, Hickey, Collins and Tiffany:

Assembly Bill No. 36—An Act relating to motor vehicles; temporarily repealing the provisions governing the system for verifying proof of financial responsibility of owners of motor vehicles; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 37—An Act relating to public highways; directing the department of transportation to construct or cause to be constructed two walls to function as sound barriers alongside a certain portion of U.S. Highway No. 95 in Clark County; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 38—An Act relating to employment practices; authorizing an employee or person referred to an employer by a labor organization to submit written material for inclusion in his record of employment; prohibiting the maintenance of a secret record of employment; providing an administrative penalty; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblyman Herrera, Perkins, Anderson, Goldwater, Arberry, Williams, Amodei, Giunchigliani, Price, Collins, Parks, Koivisto, Lee, Ohrenschall, Sandoval, Carpenter, Buckley, Nolan, Chowning, Freeman, Evans, Manendo, Mortenson, Segerblom and Bache:

Assembly Bill No. 39—An Act relating to juvenile courts; requiring a court to order a child or the parent or guardian of the child to make restitution for property damaged by the child; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Herrera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 40—An Act relating to public officers; requiring candidates for public or judicial office and public and judicial officers to file amended statements of financial disclosure under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 41—An Act relating to the committee on benefits; increasing the number of members of the committee; requiring that certain members of the committee be appointed by the governor from lists of nominees submitted by certain organizations; providing that public employees do not lose accrued leave for the time spent away from their employment while serving as members of the committee; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 42—An Act relating to land use; prohibiting certain deed restrictions which prohibit the display of flags or political signs; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 43—An Act relating to state financial administration; creating the trust fund for the extraordinary maintenance, repair or improvement of capital projects of the state; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 44—An Act relating to local government employees; expanding the scope of mandatory bargaining for teachers and certain persons employed by a school district; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 45—An Act relating to collective bargaining; expanding the scope of mandatory bargaining applicable to a local government employer to include the transfer and reassignment of employees; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 46—An Act making an appropriation for the state's proportional matching funding for grants for flood damage made through the Federal Emergency Management Agency Individual and Family Grant Program; and providing other matters properly relating thereto.

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

Motion carried.

Assemblyman Perkins moved that the Assembly recess until 6:30 p.m. for the purpose of hearing Governor Bob Miller's State of the State address.

Motion carried.

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 6:38 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Chowning and Amodei to invite the Senate to meet in Joint Session with the Assembly to hear the Governor's message.

Mr. Speaker announced the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:40 p.m.

ASSEMBLY IN SESSION

At 6:48 p.m.
Mr. Speaker presiding.
Quorum present.

Presentation of Colors by the Douglas County Boy Scout Honor Guard.

Assemblywoman Chowning reported that her committee had invited the Senate to meet in Joint Session with the Assembly to hear the Governor's Message.

The Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 6:54 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senators Rawson and Townsend, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Shaffer and Assemblywoman Segerblom to wait upon the Governor of the State of Nevada and escort him to the Assembly Chamber.

The Committee on Escort in company with his Excellency, Bob Miller, Governor of the State of Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Governor to the rostrum.

The Speaker of the Assembly welcomed the Governor and invited him to deliver his message.

The Governor delivered his message as follows:

Good evening ... Mr. President ... Mr. Speaker ... Chief Justice ... ladies and gentlemen of the 69th Nevada Legislature ... honored guests ... and my fellow Nevadans. Before I begin laying out my agenda for this legislative session, and for the future of our state, I ask all of you in this chamber, and all Nevadans, to join me in paying special tribute to the rescue workers, the firefighters, policemen, state troopers, the highway crews, and our National Guard troops for their heroic efforts during the recent floods in Northern Nevada.

With us here tonight, are individuals who were on the front lines fighting the flood of 1997. And I would like them to rise for a moment. Highway Patrol Sergeant Dan Luke, who was out in the field almost non-stop commanding his troopers as they faced raging waters and 100-miles-per-hour winds, no doubt saved motorists from serious accidents.

Staff Sergeant Nanette Heathman, with the Nevada National Guard, who, with other members of her unit, worked beyond the call of duty to keep our community safe. Nevada Department of Transportation crew member Ed Affonso, who operated heavy equipment from Washoe Valley to Gardnerville at the height of the flood, prevented injury and property damage. These individuals typify the heroic efforts of so many people during that first week of the new year. Let's give them a round of applause.

In the days ahead, we will be working on several important bills to meet the needs of those Nevadans who have suffered losses. Our neighbors deserve our quick action.

Let us be inspired by how our communities have come together in a time of crisis. Let us take that same spirit of working together on the issues facing us. A spirit that sets aside partisanship, a spirit that sets aside sectionalism, a spirit that transcends generations. That spirit should be the spirit of our future — a future that puts our children at the very top of our agendas.

In my first State of the State Address, I said, "As a parent, my greatest responsibility is to my children; as Governor my highest priority is to all the children of our state." Today, eight years later — tempered by the competition of the public arena, and further grounded in the values of work and family — I reaffirm, my commitment to Nevada's children and their future.

Of course, I will also address the issues of the day: welfare, campaign reform, and infrastructure improvements. But what I want you, and our entire state, to focus on tonight is a future which provides for the needs of our children — from education, to health, to early

childhood development. Specifically, these elements include improving our formal education system, and recognizing the critical stages between a child's birth and the time they graduate from our university system.

We must redefine our obligation to Nevada's children as a commitment which begins from the first days of their lives and extends through their college graduation.

The education program I propose to you tonight, is the most sweeping in our state's history. Its four principle elements are: access to technology ... higher academic standards ... stronger school accountability ... and completion of third-grade class-size reduction.

Any discussion of modern education must begin with a discussion of technology, and what better place to do that than in this new chamber. On your desks are the newest laptop computers, your votes are displayed using the latest video computer technology. And this speech is being beamed throughout Nevada using satellite technology.

This is the world our children are now born into.

Our children must learn to utilize the marvels of this age, and their teachers must have the ability to turn to computers to help them teach.

Make no mistake about it: the race has begun - and we cannot afford to be left behind at the starting block. Other states are already moving ahead. West Virginia has invested heavily in computers in the classroom. Minnesota's Governor just announced a major technology investment program. And as you may be aware, California has launched an ambitious project to interconnect all its classrooms through the Internet, committing $1 billion to this end.

Nevada's long-term goal is to place five state-of-the-art computers in every single classroom throughout the state. To begin this effort, which totals $175 million, I am proposing that we allocate $35 million of Nevada's surplus funds in this biennium. Also, I pledge more than $8 million from the general fund to train teachers to maximize the benefits of this computerization.

And I call upon every business person in Nevada to invest additional dollars in our education technology fund.

And I can assure you, the private sector understands these critical needs. In fact, Carol Vilardo, the President of the Nevada Taxpayer's Association, brought to our attention an innovative idea. Carol pointed out that the Detweiler Foundation has been taking donations in the form of computers from businesses, and successfully using prison inmates to refurbish and update these computers for use in schools. In fact, through this program, California has already placed 28,000 computers in their classrooms. I believe we can and should bring this program to Nevada.

A small investment now can save millions of dollars in the long run.

We have to stop sending our students to the classroom to learn about computers, and start sending in computers to help our children learn. We must have the will and the vision to make this investment. You should — you must — fund technology in our classroom.

Technology is a tool — an invaluable tool — but it is only a tool. The core of our education improvement program is higher standards. And our academic standards in Nevada are not challenging enough. They — are — too — low. A recent report by a national teacher's organization concluded that Nevada's standards are not clear, specific, or well grounded in content.

The current edition of Education Week published a study which graded Nevada's education standards as a C.

Average is not good enough for our students.

In Nevada, we don't have a requirement that our children should be able to read comfortably by the third grade. In Nevada, we don't have a requirement that by the fourth grade our students have gained command of multiplication and division.

That is not acceptable to me as a father, or as Governor. It should not be acceptable to you.

Let us declare: Today is the beginning — of the end — of our surrender to mediocrity.

We will establish higher standards in core subjects like math, science, reading, writing, and social studies, within one year.

It is vital that extensive testing will be used to measure the progress our students are making toward meeting the higher standards we have set. In my budget you will find an allocation for the most comprehensive program of testing in our state's history.

These tests will tell us how well our students are learning, what our schools are teaching, how they are doing compared to other students in Nevada and their peers around the country.

These tests are not to criticize, but to correct. They empower us to take the course of action necessary to insure our children are receiving the education we want them to have, they need to have, and they deserve to have.

And if those tests or other indicators show a school is not performing well, not providing a quality education, then we must take action.

I propose an accountability program that builds on the work Senator Bill Raggio has pioneered — work we will take a step further. Today, when a school is not performing, plans are drawn up, but all too often they never leave the drafting table.

Let's send this message loud and clear: we the leaders of this state, will no longer tolerate schools that are not meeting their commitment to Nevada's students.

If a school demonstrates poor performance over time, has been warned, and has not repaired its problems, a state Inquiry Team will be impaneled. This team, including educators from inside and outside the district, teachers, administrators, and parents, will conduct a comprehensive investigation of that school. They will have the power to ask the questions — the tough questions. They will examine all aspects of that school's procedures, without restrictions or preconditions. This Inquiry Team will be charged with delivering their no-holds-barred report in an open meeting. Participation will be mandatory for teachers, administrators, and local school board members.

But for this accountability program to really make a difference it will be essential that parents are also involved. To you, the parents, I say this — do not leave the education of your children in my hands, the Legislature's hands, or in the hands of educators alone. There is no substitute for your direct and constant involvement in your children's education.

These three principles will become national models — models that will take their place alongside our nationally recognized class-size reduction program begun eight years ago. In fact, just this month, California took its first step toward emulating Nevada's class-size reduction program. They have now realized what we have known for eight years — that nothing can take the place of a teacher who has the extra moments to help a young learner. A teacher who has a manageable class size can focus attention, offer encouragement, and provide for the needs of individual students.

I call on this Legislature to fully fund third grade class-size reduction at a ratio of 16 students per teacher in every class in Nevada.

This is the last time Governor Bob Miller will speak out in this building on the necessity of class-size reduction. But let me assure you, citizen Bob Miller will return in the years ahead to encourage and support your efforts for further class-size reduction.

We here tonight were fortunate because our parents did provide for a world-class education system when we were growing up. But what was good for us then, is not good enough for our kids now. I say to you, the status quo isn't good enough for me, it isn't good enough for our children, and it isn't good enough for the Nevada of the 21st Century. We've seen the past, we're living in the present, let's move to the future. Let's pass this aggressive education package.

However, the ability of a child to learn depends on the overall quality of the child's life.

A child without proper nutrition — a child who is hungry — cannot learn. A child who is ill — who has not been properly immunized — cannot learn. And parents struggling to cope cannot help their child to learn.

We all know in our hearts that the earliest years of life are crucial to a child's future development. And now scientific evidence bears that out. A recent report by the Carnegie Corporation concluded, quote, "... how children function from pre-school years all the way through adolescence, and even adulthood, hinges in large part on their experiences before the age of three."

The world has changed, and those changes have put a burden on the ability of young parents to nurture and develop their young children in those formative years. Today, two working parent households are not the exception but the rule. Single parent households are now commonplace. These and other pressures have dramatically cut the time parents have to tend to their children's needs.

Let's not lecture these families from above about family values. Let's drop the political slogans. Let's dedicate ourselves to these families. It is our most fundamental obligation.

How we teach our children, how we feed them, how we protect them are the family values we must secure and nurture.

I believe, in these changing times, these values can and must be taught, fostered and developed. Tonight I am putting out a call to all of Nevada. Starting with the executive branch, the Legislature, churches, civic groups, hospitals, and social services, I ask you to join together in this crusade. You, who have already successfully raised your families, and who have a wealth of knowledge to share, can help us.

We will create a comprehensive program to help and support Nevada's families. The cornerstone of this effort is a community based partnership that we are calling Family-to-Family.

From the very young mothers who are overwhelmed with the practical challenges of child-rearing, to a new generation of 40-plus working moms — women who are faced with their own set of challenges — we must be there to advise, to guide, to counsel, to support.

Building on the solid work that hospitals throughout our state have undertaken, we must insure that new parents have access to the vital information they need to raise healthy babies.

So many questions: What about immunization? Can Sudden Infant Death Syndrome be avoided? How do I find child care? How do I cope with stress? How do I find a better a job? How do I handle it alone?

These questions must be answered, and they can be answered by us.

This program begins in the maternity wards of our hospitals, where professionals and trained volunteers will offer immediate help to mothers in finding information and services. This program then continues to the home, where we will follow up with families who ask for help. And again, in continuation of our support, these families will be referred, when needed, to programs like our very successful Family Resource Centers.

You have created these centers to bypass the bureaucratic maze which often deters families from getting the help they need and the help we can provide.

Family-to-Family is a network — a network of services aimed at helping children and families — a network we must expand. Specifically, I urge you to support the Classroom On Wheels Program. These mobile classrooms go into neighborhoods, to help preschoolers with early education and health care, for those families who cannot afford to pay for nursery school or day care.

We must step up, as we are asking the private sector to step up, by helping the Lied Museum in their efforts to establish an Early Learners Exhibit and a Parent Resource Center.

And finally, we must expand the Even Start Program. This home-based approach prepares young children the skills they need to take full advantage of their formal education. Even Start also enables parents to earn high school diplomas.

I say to you with conviction, that these programs will bear the same success that our Baby Your Baby Program has delivered.

The evidence is irrefutable. There are many Nevada children thriving today who would have died at birth had it not been for this program. I must give credit where credit is due — to the hundreds of Nevadans who give their time and energy to this program — and to my wife Sandy who is Nevada's most effective children's lobbyist.

Next week, I will lead our nation's governors in a discussion about these very same issues. I have already communicated with Congress and the White House. In April, there will be a national prime-time television special and numerous articles in major publications on this topic. As the topic of early childhood development explodes on the national scene in the

coming months, and as the rest of the country becomes familiar with this program, we here in Nevada will have already begun — tonight.

Now we must complete the cycle of a child's development and education. Our commitment, which begins with prenatal care, continues during the first hours of life, and through the early years of education, must culminate with the final step — a university, community college and vocational system that educates and trains these very same children, so they can secure their own and their children's future.

In my budget, I propose a large portion of the surplus funds be dedicated to our University and Community College System.

Here are the more noteworthy infrastructure investments we intend to make, and I ask you to approve, for our higher education system:

We will invest $33 million in a new state-of-the-art library to be constructed at UNLV. $12 million for a long over due Student Center for the University of Nevada, Reno, and $3 million to build the Truckee Meadows Applied Technology Center, a facility which will provide training for students seeking technical careers.

Clark County Superintendent of Schools, Dr. Brian Cram, and the President of the Community College of Southern Nevada, Dr. Richard Moore, have put forth an exciting proposal, that I strongly endorse. It creates two new computer technology centers each of which will be shared by community college and high school students. This innovative plan will allow high schoolers to use these facilities during the day and community college students to use these same facilities in the evening. We will double our return on this investment and make smarter use of our resources by sharing computers and classrooms.

I am also pleased to say, that something long overdue will now become a reality.

Putting aside Shakespeare's recommendation to kill all the lawyers — which may also be long overdue — the time has come for Nevada to finally have a law school. With strong private sector financial commitments supporting this newest professional school, will have the resources it needs to grow and flourish.

But for all these investments to reach their full potential, access to higher education must be assured for all. As the costs of higher education have risen, middle-class families have found it increasingly difficult to send their kids to college.

State Treasurer Bob Seale and I, are proposing the establishment of a Tuition Trust Fund that will allow all families to invest modest sums today, in order to insure the affordability of their children's tuition in the future.

Ladies and Gentlemen of this Legislature, let us complete the cycle from birth to college. That is the only way I know to truly build our children's future.

We have talked about the Nevada of the future, but the work of this Legislature is also about confronting the challenges Nevada faces today.

I have laid out the blueprint for our children's future. But they must also live in a safer, more secure society, shielded from crime. Nearly two decades of work advocating the rights of victims reached a new plateau for me recently. With both Senator Bob Dole and President Bill Clinton endorsing a Constitutional Amendment to guarantee the rights of victims of crime. But more gratifying to me is the overwhelming support of you, my fellow Nevadans, in the last election for this amendment here at home.

I believe the most basic right we can extend to the victims of crime is the right not to be victimized again by the same criminals that ought to be doing the time for their crime. Two years ago, we passed truth-in-sentencing and other historic and comprehensive reforms of our criminal laws. But like everything else, our commitment must be reflected in the resources we are willing to provide.

My budget includes a continuing prison building program. We will construct a new men's prison, a juvenile facility, and complete a new women's prison. In all, we will build new cells for 2,100 violent offenders to keep them away from our families.

I look forward to the day when a future Governor stands before a Legislature and proudly proclaims that the investments you and I made during these years for our children have paid off, and that prison construction will no longer be the priority it must be for us here tonight.

Yet another significant issue confronted us two years ago, the overhaul of our welfare system. We met that challenge and it has dramatically paid off. For the first time in generations a Governor can stand before you and report that the welfare rolls are down.

Tonight, as I stand here before you, 9,000 fewer Nevadans are on cash assistance — the welfare caseload has decreased by 28 percent. That is a savings of nearly $9 million dollars — a savings accomplished and lives improved in only 18 months.

I will be placing before you legislation to build on this success which will include a two-year limit on cash benefits with a safety net for children, an aggressive pursuit of deadbeat dads who neglect their children, and an enhancement of job training and job placement programs.

Never forget, while we are certainly proud of our tax dollar savings, the real goal here is to move people from dependency, and give them the self respect and the self reliance that only a job can bring. I once again call upon the private sector, working hand in hand with government, to provide more jobs to people so we can move them off the welfare rolls.

Welfare reform has been achieved with caring, with compassion and sensitivity. Let us not engage in political rhetoric again. Let's just get to work and finish the job.

But one job that never seems to finish, are the lines at DMV. As Governor, one of my fondest hopes is that a visit to the DMV not be the equivalent of a scientific experiment to test the patience of our citizens. Before I turn the keys over to the next Governor I really want to reduce the lines.

Computerization offers the only hope to our hard-working DMV administrators and employees. Whom I assure you share the same goal we all do. Project Genesis, will revamp the registration and licensing programs, and will streamline this time-consuming process. I believe this $15 million investment will be worth every dime. The massive growth that is overwhelming our DMV offices is also straining local government's ability to deliver vital services. The economic miracle that is Nevada is a magnet for thousands of new arrivals each month. This success comes at a price.

That price is seen in overcrowded schools, a strained water delivery system, clogged roads, and a jammed criminal justice system. I look forward to receiving the report and recommendations of this Legislature on how we can assist local governments to meet their infrastructure demands.

The quality of life we seek to preserve is continually threatened by a Congress influenced by the nuclear waste lobby. They are unrelenting in their efforts to make Nevada the nation's nuclear dumping ground.

I am proud to say at this, my last State of the State, not a single ounce of high-level nuclear waste has been shipped to Nevada. On behalf of our entire state, I thank Senators Harry Reid, and Richard Bryan, Congressman John Ensign and Congresswoman Barbara Vucanovich on their unrelenting fight for Nevada. And I welcome Congressman Jim Gibbons to our team.

And a special thanks must go to President Clinton, the first and only President to ever side with Nevada on a significant battle in this war. His threatened veto beat back the nuclear lobby's attempts to rush high-level nuclear waste to our state.

Once again, in this Congress, a bill has already been introduced to fast track nuclear waste to our state. Now as much as ever, we must be vigilant and determined, and our opposition must be seamless and united.

The influence of the nuclear waste lobbying group is a graphic example of why Nevadans continue to question the integrity of the political process. We now have an opportunity to regain some of that trust. Just as the Open Meeting Law shines the light on the us while we govern, campaign reform will shine on those who seek to govern.

We cannot allow another election to pass, more money to flow into campaigns in secret, beyond the view of public scrutiny. I am asking all of you to join Secretary of State Dean Heller and I and pass strong legislation, this session, to reform our campaign disclosure laws.

As any doctor will tell you, the best disinfectant is the strong light of day. Let us take a major step toward regaining public support and confidence. Let's act swiftly.

There are certainly other issues we will address this session, such as utility restructuring, review of our worker's compensation system, HMO and Medicaid reform. But tonight my

focus has been on what we can accomplish today, to meet the longterm needs of our children so they will have the brightest possible tomorrow.

Of course, we never know what our tomorrows will hold in our personal lives. As many of you are aware, this fall, I was diagnosed with prostate cancer.

First, I'd like to take a moment to thank my family — Sandy, Ross, Corrine, and Megan who provided the love, strength and affection I needed to face this head on.

I could never adequately thank you, my friends and colleagues in this chamber, for your very personal expressions of support and best wishes.

And to the foot soldiers of my administration, my staff, who juggled the needs of a governor recovering from surgery and the day to day demands of administering this state, words do not exist to fully express my gratitude.

Of the many Nevadans who wished me well, what stands out vividly are the cards and letters from the children of our state. That, in some, ways provided me with my biggest boost.

Let me share with you a get-well card from Chad Ledbetter, a third grader from Mr. Kehoe's class at Gordon McCaw Elementary School in Henderson,

"Dear Governor Miller. I have not met you. I am sorry you have not met me. I have heard of Miller before. I did not know you were Governor Miller until today. Get well soon."

Again, family and friends, colleagues, and all Nevadans, thank you.

The past eight years have provided me with some wonderful experiences. And one of my mentors, Governor Grant Sawyer, gave me some advice as I embarked on this journey. He told me that my life would go on fast forward, but that I should make sure to capture and enjoy those very special moments. As always, I have tried to heed Grant's advice.

Bill — Joe — and all who have served in this and in past Legislatures, thanks. Through the struggles, and as we grappled with the tough issues, thank you for allowing me to have so many of those special moments Grant talked about.

A much wiser man than I said — "We must always have old memories and young hopes."

While my memories of our work together will take on a glow — especially after you have adjourned before Memorial Day — I can tell you that the focus, the drive, and the desire for our children and their hopes — far from dimming, are burning ever brighter. To you and all Nevadans, I wish you good night.

Senator Regan moved that the Senate and Assembly in Joint Session extend a vote of thanks to the Governor for his message.

Seconded by Assemblyman Williams.

Motion carried unanimously.

The Committee on Escort escorted the Governor to the bar of the Assembly.

Senator O'Donnell moved that the Joint Session be dissolved.

Seconded by Assemblyman Manendo.

Motion carried unanimously.

Joint Session dissolved at 7:50 p.m.

ASSEMBLY IN SESSION

At 7:51 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Perkins moved that the Assembly adjourn until Monday, January 27, 1997 at 11 a.m.
Motion carried.

Assembly adjourned at 7:52 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), January 27, 1997

Assembly called to order at 11:07 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Dini, who was excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

We come today and acknowledge that there are many voices crying out in need. People are filled with fear, suspicion, and many personal uncertainties. You have allowed these men and women to be elected to help unite us in high adventure of building a better world, and starting right in our own neighborhoods. Give each of them the courage to speak and act their convictions. May they be concerned with Your roll call of their actions than the report card of the people. We ask these things in the Name of our God. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 2—Urging Congress to amend the Recreation and Public Purposes Act or to enact other legislation to facilitate the use of federal land for affordable housing.

WHEREAS, Approximately 87 percent of the land in Nevada is owned by the Federal Government; and

WHEREAS, Nevada has experienced a dramatic increase in its population during the last two decades; and

WHEREAS, The rate of increase in the population of Nevada is one of the highest in the nation; and

WHEREAS, As of the last census, Nevada has approximately 95,000 families of low income who are in need of affordable housing; and

WHEREAS, The shortage of affordable housing has forced some families of low income with children to occupy motels that have few or no facilities for the preparation and storage of food and that serve as an inadequate substitution for providing housing for children; and

WHEREAS, Several thousand senior citizens in Nevada are also unable to find affordable housing that is safe and sanitary; and

WHEREAS, The current shortage of affordable housing in Nevada is directly related to the high cost of available land in the state; and

WHEREAS, Congress controls a considerable amount of federal land in Nevada that may be used to provide affordable housing for persons of low income; and

WHEREAS, During the 104th session of Congress, United States Senator Richard Bryan proposed an amendment to the Recreation and Public Purposes Act (43 U.S.C. §§ 869 et seq.) which, if it had been enacted, would have included affordable housing as a public purpose for which public lands may be disposed of in any manner to governmental bodies and to nonprofit corporations; and

WHEREAS, During the 104th session of Congress, Representative John Ensign joined Senator Bryan in introducing the Southern Nevada Public Land Management Act of 1996, which, if it had been enacted, might have provided additional opportunities for the acquisition of land in the Las Vegas Valley to be used to provide additional sites for affordable housing; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature supports the efforts of Senator Bryan and Representative Ensign in this regard and urges the Nevada Congressional Delegation to continue to bring this issue before Congress; and be it further

RESOLVED, That the Congress of the United States is hereby urged to adopt an amendment to the Recreation and Public Purposes Act which would include affordable housing as a public purpose for which public lands may be disposed of in any manner to governmental bodies and to nonprofit corporations; and be it further

RESOLVED, That if Congress does not adopt such an amendment to the Recreation and Public Purposes Act, that Congress is hereby urged to enact legislation that would allow the sale of public lands to local governments and to nonprofit corporations at a price that is less than the fair market value of the land so that affordable housing projects may be developed; and be it further

RESOLVED, That the chief clerk of the assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblyman Bache moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 46 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 46.

Bill read third time.

Remarks by Assemblymen Arberry, Hettrick and Giunchigliani.

Roll call on Assembly Bill No. 46:

YEAS—41.

NAYS—None.

Excused—Dini.

Assembly Bill No. 46 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Assemblyman Perkins moved that all rules be suspended and that Assembly Bill No. 46 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker pro Tempore announced the following standing committees, the first-named member of each committee being the chairman, the second-named being the vice-chairman:

COMMERCE—

Perkins, Buckley, Arberry, Evans, Giunchigliani, Herrera, Segerblom, Amodei, Braunlin, Close, Humke.

EDUCATION—

Williams, Chowning, Collins, de Braga, Koivisto, Manendo, Ohrenschall, Cegavske, Gustavson, Hickey, Von Tobel.

ELECTIONS, PROCEDURES, AND ETHICS—

Giunchigliani, Herrera, Dini, Perkins, Price, Berman, Close, Lambert, Marvel.

GOVERNMENT AFFAIRS—

Bache, Neighbors, de Braga, Freeman, Lee, Mortenson, Parks, Williams, Amodei, Braunlin, Ernaut, Hickey, Lambert, Tiffany.

HEALTH AND HUMAN SERVICES—

Freeman, Manendo, Buckley, Herrera, Krenzer, Williams, Amodei, Berman, Hickey, Von Tobel.

INFRASTRUCTURE—

Goldwater, Freeman, Bache, Lee, Parks, Neighbors, Berman, Braunlin, Ernaut, Lambert, Tiffany.

JUDICIARY—

Anderson, Buckley, Collins, Herrera, Koivisto, Manendo, Ohrenschall, Perkins, Segerblom, Berman, Carpenter, Gustavson, Nolan, Sandoval.

LABOR AND MANAGEMENT—

Krenzer, Parks, Anderson, Goldwater, Koivisto, Carpenter, Ernaut, Hettrick, Nolan.

NATURAL RESOURCES, AGRICULTURE, AND MINING—

de Braga, Ohrenschall, Bache, Lee, Mortenson, Neighbors, Segerblom, Braunlin, Carpenter, Humke, Sandoval.

TAXATION—

Price, Neighbors, Arberry, Goldwater, Manendo, Mortenson, Ernaut, Lambert, Marvel, Sandoval, Tiffany.

TRANSPORTATION—

Chowning, Collins, Anderson, Ohrenschall, Parks, Amodei, Cegavske, Gustavson, Nolan.

WAYS AND MEANS—
Arberry, Evans, Chowning, Dini, Giunchigliani, Goldwater, Krenzer, Price, Cegavske, Close, Hettrick, Humke, Marvel, Von Tobel.
SPEAKER—
Joseph E. Dini, Jr.
SPEAKER PRO TEMPORE—
Jan Evans.
MAJORITY FLOOR LEADER—
Richard Perkins.
ASSISTANT MAJORITY FLOOR LEADER—
Barbara Buckley.
MAJORITY WHIP—
Wendell Williams.
ASSISTANT MAJORITY WHIP—
Sandi Krenzer.
MINORITY FLOOR LEADER—
Lynn Hettrick.
ASSISTANT MINORITY FLOOR LEADER—
Pete Ernaut.
MINORITY WHIP—
Deanna Braunlin.
ASSISTANT MINORITY WHIP—
Barbara Cegavske.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 47—An Act relating to wildlife; authorizing the board of wildlife commissioners to establish fees for certain tags, permits and seals to hunt, fish, trap or possess wildlife; abolishing regular and special seasons for hunting; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 48—An Act relating to wildlife; expanding the powers and duties of the commission for the preservation of wild horses to include certain activities relating to wild burros; creating and providing for the administration of the multicounty fund for the management of wild horses; making the commission of certain acts relating to wild burros unlawful; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 49—An Act relating to the interstate quarantine of agricultural commodities; providing an administrative fine for the violation of certain provisions governing the interstate quarantine of agricultural commodities; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 50—An Act relating to state parks; restricting the use of a fire within state parks and recreational facilities; prohibiting the possession and discharge of fireworks and other explosives within or into a state park or recreational facility; providing penalties; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 51—An Act relating to nurseries; providing an administrative fine for the violation of certain statutes or regulations governing nurseries and nursery stock; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 52—An Act relating to commodities; providing an administrative fine for the violation of certain statutes or regulations governing weights and measures; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 53—An Act relating to the commission for the preservation of wild horses; designating the commission as the appropriate wildlife agency of this state to consult with the Secretary of the Interior for certain purposes relating to wild horses and burros in this state; making a technical change; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 54—An Act relating to wildlife; revising the provisions governing the suspension or revocation of certain licenses, permits and privileges by the board of wildlife commissioners and the division of wildlife of the state department of conservation and natural resources; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 55—An Act relating to state financial administration; repealing the prospective expiration of the provisions relating to the office of financial management, training and controls; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 56—An Act relating to state personnel; revising the provisions governing the payment for overtime in the classified service of the state; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 57—An Act making an appropriation to the legislative fund for the completion of the addition to the legislative building; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 58—An Act relating to victims of crime; revising the provisions governing the compensation payable to certain victims of crime

for loss of earnings or support; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 59—An Act relating to judges; increasing the benefit for the surviving spouse of a district judge or a justice of the supreme court; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 60—An Act relating to unlawful housing practices; eliminating certain exemptions from the provisions prohibiting discriminatory advertising concerning the sale or rental of a dwelling; clarifying that it is unlawful, under certain circumstances, for a lender to discriminate against a person who does not intend to enter into a transaction for a loan or other financial assistance to purchase, construct, improve or repair a dwelling; requiring the Nevada equal rights commission to hold a public hearing in a case involving an unlawful housing practice unless a party to the case elects to have the matter decided in a court of competent jurisdiction; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 61—An Act relating to state employees; extending the period of time that the department must maintain recordings of oral examinations in certain circumstances; authorizing the director of the department of personnel to allow a greater percentage of employees from the same department to serve on a panel which conducts an oral examination in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 62—An Act relating to state employees; revising certain provisions regarding unpaid family and medical leave to conform with federal law; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 63—An Act relating to deferred compensation for state employees; providing compensation for the retired member of the committee for deferred compensation for state employees; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 64—An Act relating to public purchasing; making uniform in all counties certain provisions governing the advertising of and requests for bids on contracts for purchases by local governments; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 65—An Act relating to county employees; making various changes concerning the payment of travel expenses and subsistence allowances to county employees; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 66—An Act relating to public records; requiring the committee to approve schedules for the retention and disposition of official state records to advise local governmental entities regarding such schedules and to review and approve such schedules for the official records of local governmental entities; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 67—An Act relating to sheriffs; increasing certain fees charged by sheriffs; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 68—An Act relating to cities; revising the qualifications relating to residency for certain appointive city offices and positions; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 69—An Act relating to the City of North Las Vegas; authorizing the City of North Las Vegas to increase the number of municipal judges; revising the qualifications for municipal judges and the residency requirement for municipal judges and city councilmen; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:32 a.m.

ASSEMBLY IN SESSION

At 11:34 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 70—An Act relating to local government; authorizing certain counties to organize urban taxing districts to consolidate the collection and distribution of taxes and the provision of common services in certain unincorporated towns within those counties; providing for the establishment of the revenue from taxes ad valorem and the basic ad valorem revenue for urban taxing districts; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 71—An Act relating to public utilities; revising the definition of "utility facility" for the purposes of the Utility Environmental Protection Act; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 72—An Act relating to utility facilities; transferring the duty to review permits to construct utility facilities from the state environmental commission to the division of environmental protection of the state department of conservation and natural resources; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 73—An Act relating to independent contractors; providing that certain contracts for the services of independent contractors relating to the remodeling or maintenance of state buildings are exempt from certain provisions requiring the filing and approval of those contracts; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 74—An Act relating to local governments; authorizing the board of county commissioners of a county or the governing body of a city to convey certain property to nonprofit organizations for the development of affordable housing; providing for the reversion of that property under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 75—An Act relating to land use; requiring zoning ordinances to include a manufactured home within the definition of "single-family residence"; requiring a governing body to adopt the same standards for development for a manufactured home as would apply to a single-family residence developed on the same lot; authorizing additional standards for a manufactured home under certain circumstances; revising the conditions under which a governing body may prohibit the installation of a manufactured home; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 76—An Act relating to land use; prohibiting a local government from adopting an ordinance that prohibits or restricts residential developments based on certain characteristics of the occupants; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Dini, Neighbors, Carpenter, de Braga, Marvel and Hettrick:

Assembly Bill No. 77—An Act relating to agricultural products; providing for the certification of organic agricultural products; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 78—An Act relating to juries; expanding the amount of money that a juror may donate to an agency that provides protective services for children; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 79—An Act relating to presentence investigations; requiring the court to disclose the factual content of the report of the presentence investigation and the recommendations of the division of parole and probation of the department of motor vehicles and public safety to a law enforcement agency upon receipt of request by such agency; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 80—An Act relating to criminal proceedings; authorizing a magistrate to order a party who requests the continuance of a preliminary examination to pay fees and costs for witnesses under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 81—An Act relating to criminal proceedings; providing that an investigating officer may not be excluded from a criminal proceeding regardless of whether he has not yet testified or been cross-examined; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 82—An Act relating to the state treasurer; transferring the duties of the division of unclaimed property of the department of business and industry to the state treasurer; authorizing the state treasurer to appoint and employ certain deputies and assistants; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 83—An Act relating to tobacco; revising the provisions governing the smoking of tobacco in public places where services are provided to children; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 84—An Act relating to victims of crime; providing that the acceptance of payment from the board of examiners for certain services rendered to a victim constitutes an agreement not to collect additional payment for such services from the victim; clarifying the definition of victim; revising the provisions governing eligibility for aid; eliminating emergency awards of aid; making various other changes to the provisions governing aid to certain victims of crime; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 85—An Act relating to subpoenas; authorizing the attorney general and the district attorney to issue administrative subpoenas during the criminal investigation of a crime related to racketeering or money laundering; providing a procedure for enforcing and complying with administrative subpoenas; making information obtained pursuant to an administrative subpoena confidential until the filing of a criminal complaint; making it unlawful to intentionally fail to comply with an administrative subpoena; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 86—An Act relating to juvenile courts; authorizing juvenile courts to place certain juveniles who violate parole in detention, jail or prison; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 87—An Act relating to courts; providing for the collection of certain fees in municipal courts; authorizing the collection of an administrative assessment for the provision of court facilities in additional counties and cities; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 88—An Act relating to courts; authorizing justices of the peace and municipal judges to impose fees upon certain offenders to recover the costs of allowing certain installment payments, enrolling such offenders in programs of community service and supervising the compliance of such offenders with the conditions of residential confinement or the suspension of their sentences; authorizing municipal judges to impose fees for filing and acting upon bail or property bonds; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 89—An Act relating to courts; requiring the approval of the appointment of a deputy clerk by the justice of the peace; providing for the supervision of a deputy clerk by the justice of the peace; providing for the appointment of a deputy clerk by the justice of the peace in a township in which no deputy clerk is appointed; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 90—An Act relating to gaming; making certain provisions governing the classified service applicable to certain agents of the state gaming control board for certain purposes; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 91—An Act relating to the department of prisons; establishing within the department the position of coordinator of programs for the treatment of offenders who abuse alcohol or drugs; designating the duties of the coordinator; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 92—An Act relating to intoxicating liquor; increasing the excise taxes on liquor; requiring the additional revenue to be used for the treatment of alcohol and drug abusers who have been accused or convicted of a crime; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Judiciary and Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 93—An Act relating to civil commitment; requiring courts to place an eligible criminal offender in a program of treatment for the abuse of alcohol or drugs before sentencing under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 94—An Act relating to the criminal justice system; requiring a peace officer to prepare a written report following an arrest which includes an assessment of whether the person arrested was under the influence of alcohol or a controlled substance; requiring agencies of criminal justice to submit the assessment included in the report to the central

repository for Nevada records of criminal history; providing that the assessment included in the report is confidential; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 95—An Act relating to criminal procedure; revising the provisions governing attendants who provide support for certain witnesses; allowing an attendant to sit next to a witness who is a minor while the witness is testifying; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 1, 2, 3; Senate Bill No. 1; Senate Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Myers.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, January 29, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), January 29, 1997

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Albert Tilstra.

In this quiet moment we stand before You honestly perplexed and we feel we have to do something, and we are not sure what to do. We need Your help, O God. In our choices let us not ask, "Will it work?" but rather, "Is it right?" So we reach out to You and may we find that You are reaching down to us. So help us to listen and hear what You have to teach us. We wait on You. Thank You for hearing us today. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Assemblyman Hettrick moved that the Assembly recess subject to the call of the Chair.

Motion carried

Assembly in recess at 11:09 a.m.

ASSEMBLY IN SESSION

At 11:15 a.m.

Mr. Speaker presiding.

Quorum present.

SPECIAL ORDERS OF THE DAY

The hour of 11:15 a.m. having arrived, vetoed Assembly Bill No. 367 of the 68th Session was considered.

Governor's message stating his objections was read.

STATE OF NEVADA
EXECUTIVE CHAMBER

CARSON CITY, NEVADA, July 7, 1996

THE HONORABLE JOSEPH E. DINI, JR., THE HONORABLE LYNN HETTRICK, *Speakers of the Assembly*, Nevada State Assembly, Carson City, Nevada 89710

DEAR ASSEMBLYMAN DINI AND ASSEMBLYMAN HETTRICK:

I am herewith forwarding to you, for filing within the Constitutional time limit, and without my approval, Assembly Bill 367, entitled:

AN ACT relating to the disposal of sewage; requiring state and district boards of health to avoid conflicts with statutory provisions governing general improvement districts when adopting certain regulations; and providing other matters properly relating thereto.

Assembly Bill 367 places the State Board of Health in a subservient position to General Improvement Districts when regulating sewage systems. Because of the high potential of groundwater pollution from septic systems, however, the regulation of use of individual sewage disposal systems is a core public health activity appropriately placed under the responsibility of the State Board.

Sincerely,
BOB MILLER
Governor

Vetoed Assembly Bill No. 367 of the 68th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblywoman Buckley.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—None.

NAYS—Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams—42.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2802

CARSON CITY, NEVADA, January 28, 1997

HONORABLE JOE DINI, *Speaker*, Nevada State Legislature, Legislative Complex, Carson City, Nevada 89701-4747

DEAR MR. SPEAKER:

Congressman Jim Gibbons wishes to request the opportunity to address the Joint Session of the Legislature on Tuesday, March 25, at 11:00 a.m. If this date and time presents a conflict, please inform our Reno office at 686-5760.

Thank you.

Sincerely,
MARSHA L. BERKBIGLER
District Director

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hettrick, Dini, Anderson, Humke, Sandoval, Koivisto, Perkins, Buckley, Berman, Close, Herrera, Manendo, Nolan, Price, Carpenter, Tiffany, Marvel, Hickey, Arberry, Goldwater, Giunchigliani, Ernaut, Cegavske, Lambert, Von Tobel and Braunlin:

Assembly Joint Resolution No. 3—Proposing to amend the constitution of the State of Nevada to revise provisions governing the chief justice's administrative power to recall justices and judges to active service.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 19 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 19. 1. The chief justice is the administrative head of the court system. Subject to such rules as the supreme court may adopt, the chief justice may:

(a) Apportion the work of the supreme court among justices.

(b) Assign district judges to assist in other judicial districts or to specialized functions which may be established by law.

(c) Recall to active service any retired justice or judge of the court system who consents to such recall and who has not been removed or retired for cause , [or defeated for retention in office,] and may assign him to appropriate temporary duty within the court system.

2. In the absence or temporary disability of the chief justice, the associate justice senior in commission shall act as chief justice.

3. This section becomes effective July 1, 1997.

Assemblyman Hettrick moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 96—An Act relating to traffic laws; requiring an offender convicted of driving under the influence of an intoxicating liquor or controlled substance for the first time to be placed in a program of treatment for alcoholism or drug abuse under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Evans, Anderson, Krenzer, Manendo, Close, Cegavske, Perkins, Mortenson, Herrera, Humke, Buckley, Braunlin, Collins, Price, Freeman, Parks, Koivisto, Segerblom, de Braga, Chowning, Ohrenschall, Lee, Goldwater, Bache, Neighbors, Berman, Lambert and Dini:

Assembly Bill No. 97—An Act relating to criminal procedure; increasing the statute of limitations for sexual assault; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 98—An Act relating to local governments; providing an exception for certain capital projects from the requirement of the establishment of a separate account for the extraordinary maintenance, repair or improvement of a capital project; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 99—An Act relating to legislation; authorizing a board of trustees of a school district to request the preparation of a certain number of legislative measures; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 100—An Act relating to elections; reducing the period for filing a declaration or acceptance of candidacy for certain candidates for public office; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 101—An Act relating to traffic laws; providing an additional penalty under certain circumstances for the operation of a vehicle in violation of weight limitations; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 102—An Act relating to courts; authorizing all cities and counties to provide for the imposition of an administrative assessment for the provision of court facilities in justices' and municipal courts; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 103—An Act relating to criminal proceedings; allowing a prosecuting attorney to use the affidavit of certain witnesses for certain purposes at preliminary examinations or grand jury proceedings; eliminating the requirement of giving a defendant notice of the intention to use certain affidavits at a preliminary examination or grand jury proceeding; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 104—An Act relating to district courts; increasing the number of judges in the eighth judicial district; increasing the number of the district judges that must be judges of the family court; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 105—An Act relating to the state board of architecture, interior design and residential design; authorizing the board to impose a continuing education requirement on registrants; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 106—An Act relating to employment; clarifying the provisions governing the qualifications of employees of private investigators and other persons licensed by the private investigator's licensing board; providing a civil penalty for the employment of certain nonlicensed persons

by private investigators or such other licensees; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 107—An Act relating to civil penalties; clarifying the procedure for imposing a civil penalty for a violation of the provisions governing the practice of architecture, interior design and residential design; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 108—An Act relating to interior design; requiring the state board of architecture, interior design and residential design to adopt regulations governing the issuance of certificates to practice interior design; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Manendo, Anderson, de Braga, Perkins, Arberry, Dini, Price, Chowning, Bache, Carpenter, Humke, Close, Cegavske, Tiffany, Buckley, Sandoval, Mortenson, Parks, Segerblom, Lambert, Herrera, Nolan, Goldwater, Collins, Lee, Koivisto, Freeman, Williams, Ohrenschall, Neighbors, Amodei, Giunchigliani, Krenzer, Herrera, Berman, Hickey, Gustavson, Braunlin, Ernaut, Evans, Von Tobel and Marvel:

Assembly Bill No. 109—An Act making an appropriation to the state public works board for the construction of a veterans' home in southern Nevada; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that the vote whereby Assembly Bill No. 104 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 104 be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Buckley, Giunchigliani, Williams, Herrera, Evans, Anderson, Freeman, Lambert, Goldwater, Perkins, Berman, Manendo, Ohrenschall, Segerblom, Koivisto, de Braga, Collins, Marvel, Neighbors, Von Tobel, Amodei, Humke, Hettrick, Ernaut, Chowning, Parks and Sandoval:

Assembly Concurrent Resolution No. 2—Expressing the Legislature's support for affordable housing for families of low income; urging local governing bodies to review and revise any zoning ordinances that may impede the development of affordable housing; urging local governing bodies to produce a regulatory environment that promotes and supports the development of affordable housing.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Raskin.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, January 30, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:38 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), January 30, 1997

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

Almighty God, creator of all things, giver of every good and perfect gift, hear us today as we seek Your blessing on the deliberations of this body. Hear us when we pray for all those in places of influence and authority, that they may do right. Guide those who lead us, and touch them with Your wisdom that their faith may be revived; their hope renewed and their vision made clear and challenging. May it be that no one here would add to the problems that are faced, but rather by Your help, to become part of the answer. So help us God. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 29, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 46.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Arberry, Buckley, Bache, Collins, Herrera, Anderson, Ernaut, Koivisto, Parks, Lee, Tiffany, Carpenter, Neighbors, Chowning, Krenzer, Humke, Close, Von Tobel, Amodei, Manendo, Freeman, Lambert, Braunlin, Cegavske, Hettrick, Perkins, Price,

Segerblom, Williams, Mortenson, Ohrenschall, Berman, Goldwater, Evans, Hickey, Sandoval, Nolan, Marvel, de Braga and Dini:

Assembly Bill No. 110—An Act relating to victims of crime; providing for the payment or reimbursement of certain medical expenses of persons alleged to be victims of domestic violence or certain sexual offenses; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Segerblom, Williams, Manendo, de Braga, Anderson, Mortenson, Chowning, Neighbors, Von Tobel, Arberry, Goldwater, Freeman, Parks, Koivisto, Ohrenschall, Lee, Bache, Nolan, Buckley, Collins, Carpenter, Hickey, Sandoval, Perkins, Price and Herrera:

Assembly Bill No. 111—An Act making an appropriation to Boulder City for the design, construction and installation of exhibits at the Boulder City Museum; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Williams, Arberry and Buckley:

Assembly Bill No. 112—An Act relating to peace officers; authorizing the governing body of a city or county to create a review board to advise the body on issues concerning peace officers or law enforcement; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Larson.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 3, 1997 at 11 a.m., and that it do so in memory of Tony Minetto.

Motion carried.

Assembly adjourned at 11:16 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 3, 1997

Assembly called to order at 11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Elaine Ludlum Morgan.

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: we beseech Thee so to guide and bless our Assembly persons gathered in this session of the Legislature of the State of Nevada that they may enact such laws as shall please Thee, to the glory of Thy Name and the welfare of the people through Jesus Christ our Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Lee and Ohrenschall to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Richard H. Bryan.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 13 of the 68th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Judiciary.

SAUNDRA KRENZER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Krenzer moved that Assembly Bill No. 1 be re-referred to the Committee on Judiciary.

Motion carried.

The Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:09 a.m.
President pro Tempore of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President pro Tempore of the Senate appointed a Committee on Escort consisting of Senator Schneider and Assemblywoman Koivisto to wait upon Senator Bryan and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Richard H. Bryan, United States Senator for Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed Senator Bryan and invited him to deliver his message.

Senator Bryan delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SIXTY-NINTH SESSION, 1997

Thank you very much, Mr. Speaker, Mr. President. This morning marks my ninth appearance before you to share my thoughts with you on the circumstances that surround and confront our great nation and our great state. Each legislative session has a personality and character of its own, and if the political pundits accurately record your sentiments, this will be a session in which growth and infrastructure will dominate much of the debate.

Riding in this morning from Reno, getting on into the Truckee Meadows and into Eagle Valley, I reflected about the changes that have occurred both in northern Nevada and in southern Nevada since that time on a snowy January morning I first became a part of the Nevada Legislature nearly three decades ago. The changes are profound. Then the state's population was less than a half a million. Today our state's population has grown by more than three-fold. That first legislative session that I served in, only two of your colleagues are still members of the respective chambers from that time, and by circumstance they both serve as presiding officers today, then Assemblyman Lawrence Jacobsen and Assemblyman Joe Dini.

I thought much about that as we met that first year in the old legislative building, upstairs, as the Nevada Legislature had met from the time of its own statehood, and then moving in 1971 into the then new chamber which you occupy today, and then this morning to come and see the magnificent job that's been done in terms of refurbishing this chamber, which I suppose now

was an old chamber before it was refurbished. I must say that I have some uncertainty about this glass encasement that is behind you. I was a little curious about that, and I tried to reflect, Mr. President and Mr. Speaker, as to what your thoughts might have been. Then, as you know, as so many good thoughts occur to all of us, late last night it came to me. I thought of the episode that both your distinguished presiding officers will recall and I will share with you. It is the episode that Brent Armstrong, then of the *Las Vegas Sun*, immortalized in a column dealing with the Mesquite mosquito. Now, let me tell you whereof I think that this idea may have arisen. Like so many of the very difficult votes you all had to make, we had a few in 1969 as well. A call of the house had gone out, and all of us were duly summoned to the Assembly Chamber. It was a very difficult vote. Not one of us in that chamber looked forward to doing so, but when a colleague of ours who represented Mesquite, Nevada's name was called, a great furor erupted in the chamber. Leaping to his feet, he threw open the window and leaped out on the fire escape and exited the chamber. I thought to myself, could there be any correlation with that historical episode and this glass encasement that would make it so very difficult for all of you to leave during those very difficult moments?

Suffice it to say, that was then, and now is today with all of the difficulties that you face. The winter of 1846-1847 unleashed the full fury of a Sierra Nevada winter upon the hapless Donner party. Before the spring thaw came, 42 were dead. We observed this year the sesquicentennial of that great American tragedy, and we are reminded notwithstanding the changes that have occurred in our country and in our state, that winter still has the power to inflict enormous damage upon those of us who occupy the Truckee Meadows and other parts of our great state. Unlike the Donner party in 1846-1847, the response was immediate. The federal agencies, cooperating with state emergency disaster relief and local disaster relief, responded quickly, and I think a word of commendation ought to be extended to each of them: at the federal level, the response from FEMA—Nevada was the first state to be declared an emergency disaster, the first state to be visited by the director of FEMA, James Lee Witt, he came to Nevada; the response by other agencies at the federal level as well, the Corps of Engineers, who are engaged in some ongoing projects; the Department of Agriculture; the Department of Commerce; the Small Business Administration; and others just to name a few. At the state level, the response has been as responsive, coordinated–the kind of thing that people expect us in government to do when crises occur–the response was immediate and the coordination continues, and I applaud all who were involved at the federal, state, and local levels for helping to ease the tragedy that confronted so many of our fellow Nevadans. Would you join me in giving them a round of applause in absentia.

One of the challenges that you will face is the determination of how that match will be made. Most federal disaster relief provides for a 75-percent federal share, a 25-percent match for state and local governments. One of the responsibilities that you will have, to ease the burden that so many of our fellow Nevadans suffered, is to determine how you all, at the state level, will respond to that challenge. I do not believe that you will let any of us down. That pioneering spirit that was evidenced in the winter of 1846-1847 was very much a part of the response of all of those who were affected by this tragedy–neighbor helping neighbor in the great tradition of helping one another during very, very difficult times.

Let me shift the focus to the federal level, if I may, for a moment. Tomorrow as I return to the Senate Chamber in Washington, the debate will begin on a balanced budget amendment. Democratic administrations and Republican administrations, Democratic congresses and Republican congresses, have all proclaimed their devotion to a balanced budget. Democrats blame Republicans, Republicans blame Democrats, congresses blame presidents, and presidents blame congresses. Much like the road to hell having been paved with good intentions, so too is the path to a balanced budget. In 59 of the last 67 years, the Federal Government has spent more in each of those years than it has taken on in income. It is a situation that cannot long sustain itself. Today we pay $350 billion annually on just the interest payment alone on that national debt. That is the second largest expenditure for the Federal Government, and the rate of growth has been exponential. In 20 years, in terms of a percentage of the federal budget devoted to the interest payment alone, it has grown from 7

percent to 15 percent. This constitutional amendment, which is bipartisan, will require a two-thirds vote to meet the constitutional test of passing in both the Senate and in the House. In the last session we fell one vote short. It will be a close vote again. Some have raised the concern about Social Security, and it is a legitimate concern. Democratic and Republican administrations and congresses have wrongfully used the surplus generated each year by the Social Security contributions to help to finance the ongoing expenditures of government. That is wrong. If a trust fund were similarly invaded at the state level, you know the consequences that would attach to each of you. So my first preference is to exclude Social Security from the balanced budget amendment. Realistically, it is unlikely that we will be able to do so. As a result, the only vote that we are going to have that has an opportunity of becoming law is the vote on a constitutional amendment that does not specifically exclude Social Security. But my friends, presidents of both parties, in the budgets that they have submitted to this Congress, and no differently this year, will continue to use the Social Security surplus, to help to finance the operations of the Federal Government, so defeating a constitutional amendment does nothing to enhance or protect Social Security.

For 15 years Nevada has faced the nuclear stigma, an attempt by unenlightened individuals to put a nuclear brand upon us here in Nevada. I have been part of that struggle, as have each of you, over that intervening period of time. We are at a crossroads in this session of the Congress, much as we were in the last session. The focus for much of that 15 years has been an attempt to locate a permanent high level nuclear waste dump at Yucca Mountain. Even the utilities, who are the driving force behind this policy, have given up hope that the permanent repository will ever be enacted into law. For us in Nevada, this issue is all about public health and safety. In a recent poll, 74 percent of Nevadans expressed their strong opposition to this ill-conceived proposal to make Nevada the home for nuclear waste across America. I'm pleased that it has always enjoyed bipartisan support. The late Governor Grant Sawyer headed up our commission on nuclear projects; Brian McKay continues that magnificent effort as our current chairman, and Frankie Sue del Papa, our attorney general, assures us that if they change the deck and shuffle the cards as they are about to do, Nevada will respond with an appropriate legal response. Let me lay it out for you. The proposal now is to place a so-called temporary dump at the Nevada test site. That was the issue that confronted us in the 104th Congress, and we will begin that process, sad to say, on Wednesday, the fifth of this month, in the energy committee. By so doing, we would do several things in terms of public policy. Every environmental law enacted since the Nixon administration, with bipartisan support–clean air, clean water–and there are at least a hundred, would be superseded and effectively repealed if they were successful with the temporary nuclear waste bill that's currently before the Congress. A standard of radioactive emissions of 100 millirem would be written into the law. Lest you are not familiar with the local millirem count, suffice it to tell you that the safe drinking water standard is four millirems. Twenty-five times the standard for safe drinking water would be imposed upon us in Nevada. Cleverly crafted into this legislative proposal is a financial bailout where the nuclear industry will in effect respond by avoiding its own financial responsibilities and asking the American taxpayers to pay for this program over the decades. We are all opposed, your congressional delegation in both the House and the Senate, but it will be a tough battle. In order to prevail we will need 34 votes in the Senate to sustain a presidential veto. In the last session of the Congress, President Clinton did more for us in Nevada in this fight than any of his predecessors, Democratic or Republican, by vowing that if such a bill reaches his desk, he will exercise a veto, and he has pledged to do that again in this Congress, and we are going to need that. This "mobile Chernobyl bill," as I have characterized it, moves on through the legislative process and will require us to get 34 votes. Senator Reid and I are about that undertaking over the past several weeks, and we believe that we can prevail. But the focus of attention is not Yucca Mountain; it is a temporary nuclear waste dump, which for the nuclear utilities is the holy grail of their existence.

Let me talk about a couple of other issues which also are very much in the news. The "religious far right" was the catalyst for an ill-conceived national gaming commission. The President has not yet made all of the appointments to that commission. My concern, and I

suspect it is a legislative bias that draws its origins from having served in this chamber, is that a federal commission so established frequently comes up with more federal regulation and the ever-necessitous approach for more revenue at the federal level. That would not be in the best interests of Nevadans. I do not speak here as an advocate of gaming spread to other states. That is a decision for them and them alone. My own preference, expressed many times, is I liked it better a couple of decades ago when we enjoyed a monopoly. But that is not the world in which we live, and we must recognize that that is the circumstance. I am fearful that the commission, with the approach that has been advocated by some, could impact the revenue structure of gaming. That has a profound impact upon all of you as you struggle to arrange the state's legislative priorities, as you try to make your own determinations as to how to fund each of the programs that you are confronted with. We will be watching this very carefully. I've been encouraged by some of the appointments. I believe that we are likely to get a very distinguished Nevadan appointed very shortly to that commission, at least we are told that is the case, and one other Nevadan has already been chosen for that commission. So hopefully its approach will be balanced, but it is a concern that every Nevadan ought to share because, as you know, 40 percent directly of the revenue sources that you have to deal with, in addition to other revenues that add perhaps as much as another 8 percent to the inflow that comes into the state coffers, is directly attributed to the gaming industry in our state.

Let me talk about a couple of other issues that have been in the news. Banking in Nevada has been consolidated and restructured. I serve as a member of the banking committee as you know. My concern in consolidation and restructuring, is that it is my sense, that those of us in Nevada are more removed today than we were a decade ago from the decision making process and the decision making headquarters. I'm going to be monitoring those activities very, very carefully. My concern, as yours, is to make sure that this is in the best interests of Nevada. No longer are some of these decisions being made in Nevada; they are made out of state, and we live next to the 800-pound gorilla, California, with 32 million people. We do not want to be left behind in the decisions which our banking industry makes.

As you know, I recently have joined the finance committee. As such, I will have an opportunity to watch very carefully any proposal that comes out of the gaming commission that would impose additional taxes upon our principal industry. It is that committee that will deal with the complex issues of Social Security, Medicare, and Medicaid. I will say something more about that in a moment.

Welfare reform will be an issue that will be debated in this chamber throughout this legislative session. Let me say that I believe that the historic six-decade approach that we've taken to welfare was a system that served neither the American taxpayers nor the recipients of welfare effectively, and for that reason, the bipartisan Congress of the last 104th session passed a comprehensive welfare reform proposal. That means that the responsibility now rests in this chamber to craft the response, to determine by and large what approaches—innovative and others—that you might want to take. Although I do hear some discussion that the process will be reopened in this session of the Congress, it is my view that any changes in the welfare reform legislation enacted by the 104th Congress will be at the margins and not terribly significant.

In Governor Miller's State of the State Address to you, he appropriately focused on the importance of education. It is increasingly clear, I think to all of us, that opportunity for our young people, our children and our grandchildren, opportunity for the kinds of jobs that provide the kind of income levels that they can provide for themselves and their own families, are directly linked to the kind of education that they receive. I'm sad to report that Nevada ranks among the bottom of those who continue their education beyond the high school level. Only about 38 percent do so. We need to reverse that. You know better than I, as you have struggled with your new laptops, a technology that would have been as foreign to the 1969 Legislative Session that I first served in as some extraterrestrial concept that may be advanced in the decades ahead. Clearly the linkage between education, good jobs, and the ability to provide for your family is inextricably tied. I hope that you will favorably respond to the governor's proposals, and we at the federal level can be your partners as well. At least three

programs will directly impact the ability of Nevada families to provide higher educational opportunities for their own families. One is an increase in the Pell grants. In the last two decades, federal assistance has come in the form of increasing the loan payments that are available, and that is significant. Today many Nevadans graduate from a graduate or professional school and owe $100,000 on their education. That is a tremendous financial burden for young people who are just about to begin their careers. Pell grants can help. Hope scholarships to make it possible for those who are unable to afford to go on to higher education get the financial help to do so, and indeed, tax credits and an ability to deduct some of those expenses will be helpful as well. The President has outlined these proposals, and I believe that they will enjoy bipartisan support as we continue our quest for educational excellence and recognize that our failure as a country, our failure as a state, to respond to that challenge, dooms Americans and Nevadans to not play the kind of role in the twenty-first century economy which will be increasingly highly technical and focused on those who have sophisticated educational backgrounds.

Two aspects of the growth and infrastructure debate that you are all very much a part of will take place at the federal level. One is the public lands bills which I authored and introduced in the last session of Congress that enjoys the support of the entire congressional delegation. It seeks to supplant a system which currently involves a very complicated land exchange process which often times takes local government out of the loop in terms of planning for growth and orderly development and strengthens the hand of local government to do so. Secondly, it provides that the revenues that are derived from the sale of these BLM lands that surround southern Nevada, much like its progenitor, the Santini-Burton bill did in the early 1980s, will be retained for the benefit of Nevadans at the federal level to acquire environmentally sensitive lands, not just in southern Nevada but all over. I must say that I am hopeful that we will be able to pick up one additional jewel at Lake Tahoe, and that is the Dreyfus property, as it is variously referred to, with more than a mile of shoreline, something that future generations of Nevadans would applaud, if we are able to do so, because it is a unique recreational opportunity for all Nevadans to enjoy. This legislation will be making its way through the legislative process, and I am most hopeful that it will be enacted into law.

The other thing that will be before us is a reauthorization of the formula by which we fund public transportation–highways and the infrastructure of mass transit. For decades, Nevada has always been in a position that we have collected more revenue from the Federal Highway Trust Fund than we as Nevadans pay into that trust fund in the form of gas taxes collected at the local level. If change is the hallmark of this session, so too is change a hallmark of this program. Last year, for the first time, Nevada received less money from the Federal Highway Trust Fund than it paid in. This is not an issue that divides us on a philosophical basis; it is not an issue that divides us as Democrats or Republicans; it is a bottom line issue as to how Nevadans will benefit from this formula. It is, as you might see, going to be a very contested issue but an extremely important one for our state. Those two issues will have a direct impact on the infrastructure funding that will be available to Nevada.

There is a project in which I have had a considerable interest for a period of time. Nevada enjoys an abundance of nature's energy, the sun. If we could successfully harness solar power and transform it into a medium by which we generate power, Nevada has an opportunity to be on the cutting edge of a technology that is rapidly advancing. To that end, we have created a nonprofit corporation that is working to bring private sector energy producers in an unsubsidized program to match that with markets to purchase solar power, and the Nevada test site is the location most likely to emerge as the source of that generating facility. It is ever so close to being there. We have had a commitment from some federal agencies to purchase power to make that possible. By the time that you next convene in regular session, it would be my hope that a solar production facility can be operational in Nevada that will do several things: the policy is right, it is nonpolluting, and it is an endless source of energy. From an economic diversification point of view for us in Nevada, it puts us on a cutting edge where we may become the solar capital of the world with all of the ancillary facilities necessary in terms of engineering, design, and construction to support that facility.

You have before you a proposal that will provide some help for 186,000 veterans in Nevada. I refer to the proposed veterans' home. I hope that you will enact that piece of legislation. We are prepared at the federal level. I've had a conversation as recently as last week with the Secretary of Veterans' Affairs, Jesse Brown. If you will do your part, we will do ours, and I hope you respond favorably.

I have referred in the past to Lake Tahoe as nature's gift to Nevada. It is a troubled legacy. You are much aware of the fact that the relationship with our sister state has been frayed as a result of unilateral actions which they have taken. You know that the quality of our lake continues to decline year after year. It is a resource too precious for us to lose. It is part of the stewardship of our generation to protect it for future generations to enjoy. My colleague, Senator Reid, urged the establishment of a summit at Lake Tahoe, and I believe such a summit is necessary to bring federal, state, and local governments together and see if we might try some imaginative approaches to protect this most precious resource. If we fail to do so, the judgment of history will be harsh upon us. It is an irreplaceable treasure, and I know that you will do your best to make sure that the contributions to protect Lake Tahoe from the state legislative level continue to receive a top priority from this Chamber.

Finally, let me just say a word about the historic time in which we meet. The state legislative processes in Nevada and America have been rehabilitated as partners in that structure that we call government. It is in the process of being redefined. When there is a bipartisan sense, as you have known better than so many, that not all wisdom either originates or abides on the banks of the Potomac. In the state legislative chamber such as this, the laboratory of the great experiments in Nevada, your views—closer as they are to the American people—often contain the kind of wisdom that ought to be respected in crafting legislative policy. That redefinition is occurring; it is becoming more meaningful every day. With it, it brings challenge; challenge in terms of how you can respond because in some areas, welfare in particular, the Federal Government will be less of a partner than it has been in the past. In general, as we try to contain the federal deficit, which for four successive years has declined, a fact that did not occur since prior to the American Civil War, but in this year, the deficit begins to rise again on an annual basis. We are constricted, and appropriately the responsibilities and much of the policymaking will devolve upon you. I know that you will respond appropriately.

Let me conclude by an observation of the body politic. I am troubled, as each of you are, that Americans are participating less in the political process by which each of us in this chamber have been selected. The participation in the last general election was probably the lowest in American history. For those of us in Nevada, the participation was dreadful. I believe part of the estrangement between us, who are privileged to represent Nevadans, arises from the fact that there is a lack of confidence in the system by which all of us–all of us–are forced to compete. I refer to campaign finance reform. I think it is important for you at the state level. The governor and the secretary of state have crafted a bipartisan proposal that looks good to me—your judgment. We certainly must do our bit at the federal level. There is a rising tide of cynicism that affects all of us—Democrats, Republicans, Independents, liberals, middle-of-the-road, and conservative alike, and we must reverse that erosion or democracy itself as we know it is threatened. That is another one of your challenges and another of our challenges at the federal level as we try to rework campaign finance reform into something that represents a more responsible, a more reasonable process in which we try to take the enormous sums of money that all of us are compelled to raise to survive in the political system as we know it.

I wish you well. Your burden is not an easy one. I commented that our first legislative session that I served in with your distinguished presiding officers concluded in 95 days. The snow had not yet disappeared from the Sierra Nevada. I have heard reports that you might be a bit longer this time. Whatever time it takes you, please be assured that having traced my own roots to the decisions that you all are being asked to make in a much more sophisticated and difficult way than we did three decades ago, I have great respect for your judgments, for the difficulties that you face, and I want to be your partner. If I can be of help, a hand is extended

to each of you—Democrat, Republican, north, south, rural Nevadans—we are all Nevadans as we deal with our great state's problems.

Thank you so very much.

Senator Titus moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Bryan for his informational and inspiring message.

Motion carried.

The Committee on Escort escorted the Senator to the bar of the Assembly.

Assemblyman Parks moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:50 a.m.

ASSEMBLY IN SESSION

At 12:10 p.m.

Mr. Speaker presiding.

Quorum present.

COMMUNICATIONS

SUPREME COURT OF NEVADA
CAPITOL COMPLEX

CARSON CITY, NEVADA, January 30, 1997

THE HONORABLE JOSEPH E. DINI, JR., State of Nevada Assembly, Legislative Building, Room 1104A, Carson City, Nevada 89710

DEAR SPEAKER DINI:

I would very much appreciate the opportunity to deliver a State of the Judiciary address in a joint session. In preliminary discussions, Wednesday, March 5th was mentioned as a good date; however, I would be available when it is convenient for you.

Sincerely,

Miriam Shearing
Chief Justice of the Supreme Court of Nevada

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 113—An Act relating to labor; transferring the duty to enforce claims for wages, commissions or other demands of a person financially unable to employ counsel from district attorneys to the attorney general; making the reporting of such claims by the labor commissioner discretionary rather than mandatory; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 114—An Act relating to industrial insurance; eliminating the duty of the division of industrial relations of the department of business and industry to certify or authorize insurers to provide industrial insurance; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 115—An Act relating to the division of industrial relations of the department of business and industry; revising the name required on the seal of the division; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 116—An Act relating to peace officers; requiring the peace officers' standards and training committee to determine the amount and frequency of certain required training of peace officers; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 117—An Act relating to elections; authorizing cities and counties to conduct special and recall elections by mail; making various changes relating to petitions, candidacy, election districts and ballots; prohibiting certain acts by an employee of a voter registration agency or a person who assists another in completing an application to register by mail to vote; prohibiting electioneering near a polling place; making various other changes; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 118—An Act relating to facilities for residential care; expanding the limitation on local control over the location of housing for mentally retarded persons to include certain facilities for other persons with disabilities; requiring the governing body of a city or county to ensure that a disproportionate number of such facilities are not located in one neighborhood; requiring a person who provides care for not more than two persons in his home to obtain a license to operate a residential facility for groups under certain circumstances and changing the name of residential facilities for groups to facilities for residential care as a result of this requirement; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 119—An Act relating to civil penalties; revising the civil penalties that certain state agencies may impose for violations; authorizing the state fire marshal to impose administrative fines; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 120—An Act relating to administrative regulations; revising the procedures for the adoption of administrative regulations and forms required by administrative agencies under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 121—An Act relating to state government; requiring the periodic review of state agencies by the legislative commission; providing for the prospective expiration of newly created state agencies; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 122—An Act relating to administrative procedure; requiring an agency periodically to review its regulations and report the results to the legislature; requiring an agency to conduct a workshop before holding a public hearing on a proposed regulation; directing the attorney general to develop guidelines for drafting regulations; providing that a permanent regulation becomes effective 90 days after its filing with the secretary of state except under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 123—An Act relating to the legislative counsel bureau; requiring the legislative counsel to prepare a synopsis of certain bills; requiring the fiscal analysis division of the legislative counsel bureau to obtain a fiscal note on a bill or joint resolution that creates a financial effect on the public; requiring the legislative counsel to prepare and publish a register of certain information related to administrative regulations; requiring an agency whose regulations are published in the register to pay certain costs related thereto; requiring the legislative counsel to make available on the INTERNET the information contained in the register; requiring the legislative counsel to include in the Nevada Administrative Code a citation of authority for each section contained therein; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 124—An Act relating to the coordination of governmental functions; providing that the statutory requirements for open meetings apply to the annual meeting of state and local governmental agencies which coordinate their collection of certain fees, taxes or information; requiring the executive director of the department of taxation to submit a report; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 125—An Act relating to public purchasing; making discretionary the adoption of regulations concerning the purchase of new equipment; revising certain provisions governing the maintenance of records relating to state purchasing; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 126—An Act relating to public libraries; revising the provision governing the boundaries of consolidated library districts; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 127—An Act relating to the City of Henderson; requiring the city to retain the deposit accompanying an offer to purchase, lease or exchange real property owned by the city under certain circumstances; repealing the authority of the city council to license greyhound racing; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 128—An Act relating to volunteer ambulance services; prohibiting the discharge of a volunteer ambulance driver or attendant from employment as a result of his service as a volunteer ambulance driver or attendant; prohibiting deductions from salaries of county, city, town and state employees for service as a volunteer ambulance driver or attendant; authorizing the membership of volunteer ambulance drivers and attendants in the public employees' retirement system; providing for the payment of the registration fees and other related costs for classes taken at the University and Community College System of Nevada by dependent children of volunteer ambulance drivers and attendants killed while engaged as volunteer ambulance drivers and attendants; increasing the wage deemed to be received by volunteer ambulance drivers and attendants for purposes of determining benefits for industrial insurance; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 129—An Act relating to the department of motor vehicles and public safety; authorizing the department to release certain information to the welfare division of the department of human resources; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 130—An Act relating to vehicles; requiring a vehicle dealer to designate a location in each county in which he conducts business as his principal place of business for that county; requiring a vehicle dealer who changes the name or location of his business to submit to the department of motor vehicles and public safety certain documentation; revising the provisions governing the maintenance and inspection of the business records of vehicle dealers and brokers; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 131—An Act relating to motor vehicles; requiring certain sellers to collect the fee for the issuance of a certificate of title under certain circumstances; reducing the period during which a dealer's report of sale for a new vehicle is valid for purposes of operating the vehicle before a certificate of registration is issued; extending the period during which a special permit issued by the department of motor vehicles and public safety for the operation of a vehicle is valid; limiting the period in which a certificate of ownership must be delivered after the terms of a contract or security agreement have been fully performed; clarifying that certain fees must be paid to the department before it issues a certificate of ownership; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 132—An Act relating to traffic laws; increasing the distance that a vehicle may be required to be driven for weighing the vehicle; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 133—An Act relating to motor vehicles; making various changes to the provisions governing the licensing and registration of motor vehicles; imposing a fee; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 134—An Act relating to the department of motor vehicles and public safety; requiring an applicant for the issuance or renewal of certain occupational licenses by the department to include an authorization for the disclosure of certain financial information; limiting the use and disclosure of that information by the department; revising the expiration dates for certain occupational licenses issued by the department; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 135—An Act relating to motor vehicles; requiring that the money collected from the fee imposed on short-term leases of passenger cars be deposited in the state highway fund; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 57.

Bill read second time and ordered to third reading.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:27 p.m.

ASSEMBLY IN SESSION

At 12:32 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that the vote whereby Assembly Bill No. 123 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 123 be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblywoman Chowning moved that the vote whereby Assembly Bill No. 116 was referred to the Committee on Transportation be rescinded.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 116 be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 46.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Bryan, Tom Baker, Kay Zunino, Virginia Dammler, Jerry Crum, Dale Erquiaga, Dean Heller, Bob Seale, Darrel Daines, Brian Krolicki, Frankie Sue Del Papa, Ann Cathcart and Brooke Neilsen.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Leeann Whitmore.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to R. J. Keetch.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, February 5, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:37 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 5, 1997

Assembly called to order at 11:07 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Imam: Mujahid Ramadan.

We pray for children
who put chocolate fingers everywhere,
who like to be tickled,
who stomp in puddles and ruin their new pants,
who sneak popsicles before supper,
who erase holes in math workbooks,
who can never find their shoes.
And we pray for those
who stare at photographers from behind barbed wire,
who can't bound down the street in a new pair of sneakers,
who never "counted potatoes,"
who are born in places we wouldn't be caught dead,
who never go to the circus and who live in an X-rated world.
We pray for children
who bring us sticky kisses and fistfuls of dandelions,
who sleep with the dog and bury the goldfish,
who hug us in a hurry and forget their lunch money,
who cover themselves with Band-aids and sing off key,
who squeeze toothpaste all over the sink and who slurp their soup.
And we pray for those
who never get dessert,
who have no safe blanket to drag behind them,
who watch their parents watch them die,
who can't find any bread to steal,
who don't have any rooms to clean up,
whose pictures aren't on anybody's dresser,
whose monsters are real.
We pray for children
who spend all their allowance before Tuesday,
who throw tantrums in the grocery store and pick at their food,
who like ghost stories,
who shove dirty clothes under the bed and never rinse out the tub,
who get visits from the tooth fairy,
who don't like to be kissed in front of the carpool,
who squirm in church or temple and scream in the phone,
whose tears we sometimes laugh at and whose smiles can make us cry.
We pray for those
whose nightmares come in the daytime,
who will eat anything,
who have never seen a dentist,

who aren't spoiled by anybody,
who go to bed hungry and cry themselves to sleep,
who live and move, but have no being.
We pray for children who want to be carried and
for those who must,
for those we never give up on and for those
who don't get a second chance.
For those we smother and for those who will grab the hand of anybody kind enough to offer it.

Ina J. Hughs
From Children's Defense Fund

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 63, 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 3, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 14.

JANICE L. THOMAS
Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 4—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Paula Winne is elected as an additional attaché of the Assembly for the 69th session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 136—An Act relating to claims for medical malpractice; requiring the commissioner of insurance to collect and maintain certain information regarding closed claims for medical malpractice; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 137—An Act making an appropriation to the State Conservation Commission in the State Department of Conservation and Natural Resources for the support of conservation districts; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 138—An Act relating to controlled substances; revising the provisions that govern the amount of marihuana which is required for a conviction of trafficking in controlled substances; revising the provisions governing civil penalties for trafficking in marihuana; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 139—An Act relating to controlled substances; expanding the circumstances under which a court may suspend proceedings when a person is accused of committing a certain offense concerning the possession of a controlled substance on probation and require the person to participate in an educational program or a program of treatment and rehabilitation; authorizing courts to reduce or suspend the sentence of a person convicted of possessing a controlled substance for the purpose of sale if he assists in the identification, arrest or conviction of certain other persons; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 140—An Act making an appropriation to the Bureau of Alcohol and Drug Abuse in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation for the support of certain programs of treatment for criminal offenders who abuse alcohol or drugs; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 141—An Act relating to dangerous weapons; exempting prosecuting attorneys from the prohibition against carrying certain dangerous weapons without a permit; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Nolan, Herrera, Buckley, Segerblom, Manendo, Sandoval, Koivisto and Collins:

Assembly Bill No. 142—An Act relating to sexual offenses; providing certain employers with civil immunity for a sexual offense against a child committed by a volunteer of the employer; expanding the definition of "employee" to include volunteers and prospective volunteers for the purposes of provisions relating to inquiries by certain employers regarding the prior sexual offenses of employees; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 14.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 13 of the 68th Session.

Resolution read second time and ordered to third reading.

Assemblyman Hettrick moved that the Assembly recess subject to the call of the Chair.

Motion carried

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblymen Arberry, Giunchigliani and Hettrick.

Roll call on Assembly Bill No. 57:

YEAS—42.

NAYS—None.

Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to the members of Leadership Reno Youth, Erica Borum, Allasici Brennan, Tricia Brown, Caleb Cage, Richard Clark, John Garcia, Sarah Henderson-Hall, Justin Larsen, Romeo Lazzarone, Curtis Lewis, Bill McGrath, Tamara Malloy, Laura Miller, Jonathan Moberly, Jason Morris, Sean Nolan, Sarah Olson, Christopher Perry, Joy Powers, Laura Raddiffe, Daniel Rushing, Chris Shackelton, Kerry Walsh, Kristen Walthers, Nichole Whisman, Scott Whittemore, Kristy Wilmoth, Brynna Wilson and Dominica Yturbide.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, February 6, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:15 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 6, 1997

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Elaine Ludlum Morgan.

Almighty God, our Heavenly Father, send down upon those who hold office in this State Assembly the spirit of wisdom, charity, and justice that with steadfast purpose they may faithfully serve in their offices to promote the well-being of all people; through Jesus Christ our Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 23, 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 7, 19; Assembly Joint Resolution No. 17 of the 68th Session has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 5, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 6.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 35 be re-referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman de Braga, Segerblom, Krenzer, Ohrenschall, Collins, Neighbors, Giunchigliani, Buckley, Freeman, Bache, Anderson, Nolan, Goldwater, Evans, Herrera, Williams, Parks, Lee, Perkins, Carpenter, Chowning, Dini, Manendo, Price and Koivisto:

Assembly Concurrent Resolution No. 3—Amending the Joint Rules of the Senate and Assembly for the 69th legislative session to require the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to ensure that the salaries of the officers of the Nevada Highway Patrol are set at a rate which is based on the salaries of officers of equivalent rank of certain law enforcement agencies within this state.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Assembly and Senate as adopted by the 69th session of the Legislature are amended by the following addition:

23

CALCULATION OF SALARIES OF OFFICERS OF THE NEVADA HIGHWAY PATROL

In considering the proposed budget for the executive department of state government for the ensuing biennium, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall ensure that the respective salaries of the officers of the Nevada Highway Patrol of the Department of Motor Vehicles and Public Safety are set at amounts which:

1. For the first year of the biennium, are equal to or greater than the average salary of police officers of equivalent rank employed by:

(a) Law enforcement agencies of cities whose population is 50,000 or more;

(b) Law enforcement agencies of counties whose population is 100,000 or more; and

(c) Metropolitan police departments formed pursuant to chapter 280 of NRS in counties whose population is 100,000 or more; and

2. For the second year of the biennium, are equal to the respective amounts established pursuant to subsection 1, plus an adjustment for inflation, if any. The amount of the adjustments must be determined by multiplying the respective amounts established pursuant to subsection 1 by the percentage of inflation, if any. The Consumer Price Index published by the United States Department of Labor for July preceding the biennium must be used in determining the percentage of inflation.

Assemblywoman de Braga moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 6.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblymen Williams and Collins.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 143—An Act relating to industrial insurance; requiring the legislative committee on workers' compensation to contract with a private party to conduct a study of the system in this state for providing to injured employees compensation for permanent partial disabilities; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Carpenter:

Assembly Bill No. 144—An Act relating to taxation; requiring certain cities and towns to transmit the proceeds of certain license taxes to the districts to which the proceeds are assigned; allowing certain districts to pledge irrevocably the proceeds of certain license taxes for the repayment of certain bonds or other obligations; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen de Braga, Segerblom, Krenzer, Ohrenschall, Collins, Neighbors, Giunchigliani, Buckley, Freeman, Bache, Anderson, Nolan, Goldwater, Evans, Herrera, Williams, Parks, Lee, Perkins, Carpenter, Chowning, Dini, Manendo, Price and Koivisto:

Assembly Bill No. 145—An Act relating to the Nevada highway patrol; requiring the department of personnel to calculate the average salaries of certain law enforcement personnel; requiring that the proposed budget of the department of motor vehicles and public safety include salaries for officers of the Nevada highway patrol which are based on those calculations; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Manendo, Williams, Segerblom, Freeman, Chowning, Collins, Herrera, Nolan, Neighbors, Lambert, Goldwater, Mortenson,

Amodei, Hickey, Braunlin, Koivisto, Krenzer, Parks, Ernaut, Hettrick and Close:

Assembly Bill No. 146—An Act relating to school districts; providing that a school district may authorize the use of buses of the district for certain types of commercial advertising; specifying the permissible content of such advertising; specifying the permissible uses of money derived from such advertising; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Goldwater, Herrera, Giunchigliani, Krenzer, Braunlin and Buckley:

Assembly Bill No. 147—An Act relating to industrial insurance; limiting the circumstances under which certain persons may communicate with the physician or chiropractor of an injured employee; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 148—An Act relating to mobile homes; requiring a landlord of a mobile home park to notify the manufactured housing division of the department of business and industry of a rent increase that affects a tenant who receives assistance from the trust fund for low-income owners of mobile homes; requiring a tenant to be the registered owner of a mobile home to be eligible for assistance from the trust fund; expanding eligibility for assistance from the trust fund to include persons who are registered owners of travel trailers that are located on mobile home lots in mobile home parks; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 149—An Act relating to public lands; providing a civil remedy and a criminal penalty for performing certain acts without the authorization of the state land registrar; abolishing the board of review; requiring counties to adopt certain regulations concerning public lands within their boundaries; requiring the state land registrar to convey certain public lands to counties; authorizing district attorneys to enforce certain provisions relating to the management of public lands; revising the

designation, membership, compensation and duties of the land use planning advisory council; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Bache, Goldwater, Giunchigliani, de Braga, Amodei, Segerblom, Lee, Buckley, Freeman, Ernaut, Neighbors, Parks, Perkins, Williams, Herrera, Collins, Mortenson, Close, Manendo, Braunlin, Koivisto, Anderson, Krenzer, Arberry, Ohrenschall, Hickey, Lambert, Humke, Evans, Price, Sandoval, Hettrick, Carpenter, Chowning, Tiffany, Berman and Dini:

Assembly Bill No.150—An Act relating to government; authorizing state and local governmental entities to contract with a financial institution or an issuer of credit cards to provide for the acceptance of credit cards for the payment of money due the governmental entity; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 151—An Act relating to records of criminal history; revising the provisions governing the fees for such records; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 152—An Act relating to state parks; revising the provisions governing the issuance of citations in state parks; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 153—An Act relating to municipal obligations; authorizing a special election to approve a proposal to issue or incur general obligations upon a finding by the governing body of a municipality that a significant public need exists; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 154—An Act relating to the public employees' deferred compensation program; revising the provisions governing the frequency of the solicitation of proposals for the public employees' deferred compensation program; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 63.

Bill read second time and ordered to third reading.

Assembly Bill No. 72.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 13 of the 68th Session.

Resolution read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Joint Resolution No. 13 of the 68th Session:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 13 of the 68th session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that the vote whereby Assembly Bill No. 144 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Price moved that Assembly Bill No. 144 be referred to the Committee on Taxation.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Manendo requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker.

I rise today with much sadness in my heart. My neighbor, my friend, Danielle "Dani" Jasinski, passed away yesterday at the age of 30, of a very rare cancer. She was a single mother of one. She was very involved in our community, in Neighborhood Watch, and in organizations in her manufactured housing community. She was diagnosed with cancer just five or six months ago, went to California and had some treatments, but the outcome was not successful.

I was wondering if this body could rise for a moment of silence in honor of my friend, Dani Jasinski?

Assemblyman Ernaut requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker.

As a function of my heritage, I generally start my day off by consulting the Basque American Almanac, or "BAA." Well, I noticed today in my Basque American Almanac there was a very important date, February 6. It marks the birthday of someone very important to us here in this body who is a fellow Basque American, and most important to you, she is our journal clerk. Least important to you, she is also my cousin. I would like to lead this body in wishing and singing happy birthday to our Journal Clerk, Bonnie Borda. And it's not Ba Ba Black Sheep, we are singing Happy Birthday.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to John Gomes.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Darlene Magee.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Elliott, Frank Elliott, Dan Ledcard, Dan Piel and Joe Verant.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Nicholas Cimino.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Kintop and Robert Johns.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Nicola Neilon.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Towne and Judy Williams.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Harmon and Sandra Dulgar.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Carlson.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Vondenbrink.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Lowther.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanette Allen.

Assemblyman Perkins moved that the Assembly adjourn until Monday, February 10, 1997 at 11 a.m., and that it do so in memory of Danielle Jasinski.

Motion carried.

Assembly adjourned at 11:42 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 10, 1997

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Dave Ditolla.

Father God, we pause for a minute to reflect on this awesome responsibility that we have been given. God, I pray that we never take for granted that responsibility as we represent the people of the State of Nevada. Lord, give us wisdom and clarity of thought as we serve not only the people of this state, but as we serve You in this task. It is in Your Name that we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 15, 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 5.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 4—Urging the United States Postal Service to consider the historic nature of Genoa when determining the size and location of the new post office in that area.

WHEREAS, Genoa, Nevada, is the oldest settlement in the State of Nevada, and it is an established historic district; and

WHEREAS, Approximately 30 buildings and sites in Genoa were listed on the National Register of Historic Places in 1975; and

WHEREAS, Genoa is an integral part of Nevada's heritage, and its historic integrity should be preserved for all Nevadans; and

WHEREAS, To preserve historic values, the Genoa Master Plan confines commercial development to a commercial zone in the downtown area; and

WHEREAS, The current post office that serves the 300 residents of Genoa is 611 square feet and sits in the heart of the historic district; and

WHEREAS, The current post office has become too small and is no longer adequate to serve the needs of the community; and

WHEREAS, The majority of Genoans and the Genoa Town Board have expressed overwhelming support for keeping the local post office within that commercial zone; and

WHEREAS, To preserve the historic nature of the community, the new post office should be no bigger than is necessary to provide postal boxes for the residents of the area of Genoa; and

WHEREAS, The currently proposed 6,000 square foot post office, designed to serve as a distribution and delivery center for other areas of the Carson Valley, would ruin the historic nature of Genoa and put extreme stress on the town's fragile infrastructure; and

WHEREAS, There are several sites in the commercial zone of the downtown Genoa area that will easily accommodate a reasonably sized local post office; and

WHEREAS, The United States Postal Service has recently indicated its willingness to consider the desires of the residents of Genoa when making this decision; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 69th session of the Nevada Legislature do hereby urge the United States Postal Service to design a local post office that will fit into one of the various sites in the commercial zone of the downtown Genoa area and to place the post office into such a zone so that Genoa's historic integrity is preserved for all Nevadans; and be it further

RESOLVED, That the Nevada Legislature commends the United States Postal Service for its recent expression of willingness to consider the desires of the residents of Genoa on this important matter; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Postmaster General of the United States Postal Service, Marvin Runyon, and to each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblyman Bache moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Concurrent Resolution No. 5.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Close and Freeman:

Assembly Bill No. 155—An Act relating to personal care facilities; requiring the health division of the department of human resources to check the criminal history of each applicant for a license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups and of each employee of each such facility; authorizing the health division to

deny or revoke a license if an applicant for a license to operate any such facility or his employee has been convicted of a certain crime; requiring the administrator of each such facility to terminate the employment of an employee who is convicted of a certain crime; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Buckley, Ernaut, Freeman, Giunchigliani, Sandoval, Perkins, Evans, Segerblom, Herrera, Ohrenschall, Williams, Koivisto, Goldwater, Parks, de Braga, Arberry, Anderson, Price, Collins, Manendo, Lee, Chowning, Neighbors, Mortenson, Braunlin, Bache, Dini, Berman, Nolan, Amodei, Humke, Carpenter, Gustavson, Lambert, Hickey, Marvel, Hettrick, Von Tobel, Tiffany and Cegavske:

Assembly Bill No. 156—An Act relating to health care; requiring certain entities that provide health care services through managed care to follow certain procedures before denying health care services to an insured; prohibiting such entities from engaging in certain practices that restrict the actions of a provider of health care; requiring such entities to grant or deny a request for emergency medical services within 30 minutes; requiring such entities to file a report containing certain information with the commissioner of insurance; requiring all insurers of health care and managed care organizations to establish a system for resolving complaints of insureds; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Segerblom, de Braga, Perkins, Chowning, Buckley, Williams, Manendo, Ohrenschall, Neighbors, Giunchigliani, Lee, Parks, Evans, Arberry, Krenzer, Goldwater, Mortenson, Herrera, Anderson, Price, Koivisto and Amodei:

Assembly Bill No. 157—An Act relating to litigation; prohibiting the state and local authorities from removing certain actions to a federal court; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Bache moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ohrenschall, Buckley, Carpenter, Segerblom, Neighbors, Krenzer, Mortenson, Freeman, Perkins, Collins, Koivisto, Anderson, Sandoval, Williams, Manendo, Evans, Goldwater, Dini, Close, Parks, Chowning, Lee, Gustavson and Herrera:

Assembly Bill No. 158—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for hearing aids; contingently creating the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 7.
Bill read second time and ordered to third reading.

Assembly Bill No. 19.
Bill read second time and ordered to third reading.

Assembly Bill No. 23.
Bill read second time and ordered to third reading.

Assembly Bill No. 40.
Bill read second time and ordered to third reading.

Assembly Bill No. 66.
Bill read second time.

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

Amendment No. 6.

Amend sec. 2, page 1, line 9, by deleting "six" and inserting "[six] *seven*".

Amend sec. 2, page 1, line 16, by deleting "and" and inserting "[and]".

Amend sec. 2, page 2, line 1, after "(f)" by inserting: "*One member appointed by the governor who is a representative of a local governmental entity and is knowledgeable about issues relating to the retention and disposition of official records of local governmental entities; and*

(g)".

Amend sec. 2, page 2, by deleting lines 3 and 4 and inserting: "All members of the committee, except the [representative of the general public,] *members appointed pursuant to paragraphs (f) and (g),* are ex officio members of the committee.".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to public records; increasing the number of members of the committee to approve schedules for the retention and disposition of official state records; requiring the committee to advise local governmental".

Assemblyman Amodei moved the adoption of the amendment.

Remarks by Assemblyman Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 17 of the 68th Session.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Assembly Bill No. 63.

YEAS—42.

NAYS—None.

Assembly Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 72.

Bill read third time.

Assemblyman Bache moved that Assembly Bill No. 72 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that the vote whereby Assembly Bill No. 144 was referred to the Committee on Taxation be rescinded.

Motion carried.

Assemblyman Price moved that Assembly Bill No. 144 be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sherry Ostrin-Allen.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Yates.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Janice Flanagan, Verlita Conner, Betty Hoe, Helen Riley, Alison Palmer, Pat Furman, Denise Hawkins, Gerry Kelly, Ruth E. Paine, Rosalee Fein, Jud Reichman, Carol Mansfield and Ben Mansfield.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Barr.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Claudia Williams Hoffer.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Charlotte Dinning.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, February 12, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:41 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), February 12, 1997

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Dave Ditolla.

Father God, as we pause just for a moment this morning, we pray for the courage to make not necessarily the popular decisions but the right ones. Lord as we reflect on the important decisions that are about to be made, I pray that Your words would echo through our minds, "I have not called you to a Spirit of Timidity, but a Spirit of Power, Love and Discipline,". God give us the courage to do what is right. In Your Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 159—An Act relating to extradition; providing for the payment of the expense of returning a prisoner to another state under certain circumstances; requiring the transmittal of a waiver of extradition to the attorney general instead of the governor; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 160—An Act relating to peace officers; requiring peace officers to receive training in the detection of the use and abuse of alcohol

and controlled substances; requiring the peace officers' standards and training committee to adopt regulations establishing the minimum requirements for that training; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 161—An Act relating to convicted persons; authorizing the establishment in certain counties of an intermediate correctional program for certain convicted persons; authorizing the establishment of residential centers for certain convicted persons; eliminating the program of evaluation of certain convicted persons upon the establishment of the intermediate correctional programs; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 162—An Act related to gaming; clarifying the method of transferring an interest in a licensed gaming establishment; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining (by request):

Assembly Bill No. 163—An Act relating to hazardous materials; authorizing a person to possess, use, manufacture, purchase, install, transport or sell chlorofluorocarbons; providing that the possession, use, manufacture, purchase, installation, transportation or sale of chlorofluorocarbons does not subject a person or governmental entity to any type of punitive action; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Evans, Anderson, Freeman, de Braga, Braunlin, Lambert, Tiffany, Parks, Lee, Ohrenschall, Neighbors, Hickey, Sandoval, Manendo, Collins, Williams, Buckley, Bache, Herrera, Nolan, Berman,

Mortenson, Arberry, Price, Close, Marvel, Perkins, Dini, Goldwater, Carpenter, Koivisto, Segerblom, Krenzer and Giunchigliani:

Assembly Bill No. 164—An Act relating to crimes; providing an additional penalty for assault with a deadly weapon motivated by certain characteristics of the victim; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 8.

Amend section 1, page 1, by deleting lines 3 through 8 and inserting:

"*1. Except as otherwise provided in this section, a peace officer or a fireman who operates a bicycle while he is on duty is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a bicycle while on duty if:*

(a) The peace officer or fireman is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or

(b) The peace officer or fireman determines that noncompliance with any such provision is necessary to carry out his duties.

2. The provisions of this section do not relieve a peace officer or fireman from the duty to operate a bicycle with due regard for the safety of all persons and do not protect the peace officer or fireman from the consequences of his disregard for the safety of others.".

Amend sec. 2, page 1, line 12, by deleting: "to *the* special provisions" and inserting: "[to special provisions] *otherwise provided*".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to traffic laws; exempting peace officers and firemen who operate bicycles while on duty from complying with the".

Amend the summary of the bill by deleting the first line and inserting:

"Summary—Exempts peace officers and firemen".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 9.

Amend sec. 8, page 7, line 16, by deleting "*and*".

Amend sec. 8, page 7, line 17, after "(3)" by inserting: "*Shall order him to perform not less than 100 hours, but not more than 200 hours, of work for the community while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379, unless the court finds that extenuating circumstances exist; and*

(4)".

Amend sec. 9, page 9, line 11, after "days" by inserting: "*, and if required pursuant to NRS 484.3792, has performed or will perform not less than 50 hours, but not more than 100 hours, of work for the community,*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 7:

YEAS—42.

NAYS—None.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 19:

YEAS—42.

NAYS—None.

Assembly Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 23:

YEAS—42.

NAYS—None.

Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 40.

Bill read third time.

Assemblywoman Giunchigliani moved that Assembly Bill No. 40 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Assembly Bill No. 66:

YEAS—42.

NAYS—None.

Assembly Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 17 of the 68th Session.

Resolution read third time.

Remarks by Assemblymen Carpenter and Segerblom.

Roll call on Assembly Joint Resolution No. 17 of the 68th Session:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 17 of the 68th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 72 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to David Pursiano.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Mullin.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Burks, Candace Ruisi, Terrie Stanfill and Dan Tom.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Art Posner.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Oryem.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Kunzi, Steve Evenson and Bob Beckett.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Nicholas Bogan, Connor Karrasch and Kathy Karrasch.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, February 13, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:36 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), February 13, 1997

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, The Reverend Dave Ditolla.

Father God, What a privilege it is to come into Your presence this morning. Lord, as we look at the many challenges facing our nation and our state, we realize that we don't have all the answers. We need help. God, for the problems that seem unsolvable, remind us that You are God and we are not. Remind us also that if we do our absolute best and we trust You, then You promise to make up the difference. Please make up the difference. It is in Your Name that we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 78, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 5—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Linda Kincaid is elected as an additional attaché of the Assembly for the 69th session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Bache, Collins, Parks, Carpenter, Perkins, Herrera, Berman, Manendo, Koivisto, Segerblom and Ohrenschall:

Assembly Bill No. 165—An Act relating to real estate; providing for the certification of inspectors of real estate by the real estate division of the department of business and industry; imposing a fee; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Anderson, Humke, Freeman, Amodei, Sandoval, Hickey, Buckley, Williams, Bache, Collins, Parks, Ernaut, Carpenter, Perkins, Herrera, Manendo, Nolan, Koivisto, Gustavson, Segerblom and Ohrenschall:

Assembly Bill No. 166—An Act making an appropriation to the Second Judicial District for the treatment services for programs for the abuse of alcohol or controlled substances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Anderson, Bache, Collins, Parks, Ernaut, Carpenter, Perkins, Herrera, Berman, Manendo, Nolan, Koivisto, Segerblom, Ohrenschall and Sandoval:

Assembly Bill No. 167—An Act relating to crimes; providing for certain categories of willful or malicious mischief; providing for the revocation of the driver's license and the forfeiture of the vehicle of a person who commits malicious mischief under certain circumstances; making the parent or legal guardian of a minor who commits malicious mischief civilly liable and subject to the revocation of his driver's license; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 168—An Act relating to state financial administration; changing the name of the department of taxation to the department of revenue; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Humke, Perkins, Giunchigliani and Braunlin:

Assembly Bill No. 169—An Act relating to health care records; increasing the fee that may be charged by providers of health care for copying health care records; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Ohrenschall, Evans, Giunchigliani, Krenzer, Anderson, Hickey, Segerblom, Sandoval, Perkins, Carpenter, Koivisto, Collins, Nolan, Manendo, Berman, de Braga, Dini, Buckley, Tiffany, Amodei, Herrera, Goldwater, Arberry, Bache, Freeman, Parks, Lee, Chowning, Williams, Price, Close, Humke, Hettrick, Ernaut, Mortenson, Lambert, Braunlin, Von Tobel, Neighbors, Gustavson, Cegavske and Marvel:

Assembly Bill No. 170—An Act relating to domestic violence; creating the repository for information concerning orders for protection against domestic violence within the central repository for Nevada records of criminal history; requiring certain persons to transmit certain information regarding orders for protection against domestic violence to the central repository; making various changes concerning the penalties imposed for committing a battery which constitutes domestic violence; requiring a court to register certain orders for protection against domestic violence issued by a court located outside this state; creating the office of ombudsman for victims of domestic violence; creating an account for the treatment of persons who commit domestic violence; requiring the appointment of a committee to certify certain programs related to domestic violence; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Humke, Lambert, Williams, Neighbors, Bache, Freeman, de Braga, Ernaut, Braunlin, Mortenson, Amodei, Parks, Tiffany, Lee and Hickey:

Assembly Bill No. 171—An Act relating to administrative procedure; clarifying that certain policies, interpretations and findings of executive agencies must be adopted by regulation; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Collins, Neighbors, Lee, Herrera, Parks, Anderson, Amodei, Perkins, Dini, Hickey, Chowning, Mortenson, Braunlin, Freeman, Lambert, Cegavske, Bache, Berman, Giunchigliani, Price, Humke, Williams, Nolan, Von Tobel and Manendo:

Assembly Bill No. 172—An Act relating to the state contractors' board; requiring the board to regulate the construction, alteration, improvement or repair of a manufactured home or mobile home under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Infrastructure:

Assembly Bill No. 173—An Act relating to public improvements; authorizing certain counties to impose a surcharge on certain telephone lines and services to pay for the enhancement of the telephone systems for reporting emergencies in those counties; requiring a county that imposes the surcharge to establish an advisory committee to develop a plan for the enhancement of such a system in that county; requiring telephone companies and suppliers of mobile telephone service to collect the surcharge from their customers; authorizing those companies and suppliers to retain a portion of the surcharge as a fee for collecting the surcharge; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 89.

Bill read second time and ordered to third reading.

Assemblywoman Lambert moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 72 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assemblyman Bache moved that Assembly Bill No. 40 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.
Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Infrastructure, to which was referred Assembly Bill No. 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hettrick:

Assembly Bill No. 174—An Act relating to general improvement districts; authorizing such districts to charge a fee for snow removal; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By Assemblymen Amodei, Ohrenschall, Herrera, Giunchigliani, Buckley, Perkins, Carpenter, Berman, Braunlin, Collins, Close, Von Tobel, Anderson, Segerblom, Krenzer, Gustavson, Lambert, Evans, Bache, Price, Manendo, Ernaut and Humke:

Assembly Bill No. 175—An Act relating to child support; revising the formula used to determine the amount of a parent's obligation for support; and providing other matters properly relating thereto.

Assemblyman Amodei moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Valdo Sei and Wayne Perkins.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, February 18, 1997 at 11 a.m., and that it do so in memory of Morse R. Burley.

Motion carried.

Assembly adjourned at 11:40 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), February 18, 1997

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our loving Heavenly Provider, You have provided every good and perfect gift making life abundant and rich. We acknowledge our dependence upon You. We do therefore invoke Your presence and beseech You to provide the insight, wisdom and all else necessary for these servants of Yours to perform well their work this day. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 65, 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 101, 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Government Affairs.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

COMMUNICATIONS

THE AMERICAN LEGION
NATIONAL HEADQUARTERS
P. O. BOX 1055
INDIANAPOLIS, INDIANA 46206
(317) 630-1223

CARSON CITY, NEVADA, February 14, 1997

THE HONORABLE JOSEPH E. DINI, JR., *Speaker of the Assembly*, Legislative Building, Carson City, Nevada 89710

DEAR MR. SPEAKER:

American Legion National Commander Joseph J. Frank requests permission to address the Nevada State Legislature at 11:00 a.m. on Tuesday, April 22, 1997. This date coincides with his official visit to The American Legion Department of Nevada.

Would you please advise my office if Commander Frank's request can be granted? Thank you.

Sincerely yours,
ROBERT W. SPANOGIE
National Adjutant

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Cegavske, Lee, Hettrick, Ernaut, Gustavson, Chowning, Sandoval, Collins, Price, Amodei, Buckley, Manendo, Berman, Hickey, Von Tobel, Ohrenschall, Evans, Krenzer, Nolan, Koivisto, Anderson, Marvel, Tiffany, Mortenson, Parks, Lambert, Goldwater, Herrera, Giunchigliani, Humke, Segerblom, Neighbors, Perkins, Braunlin, Freeman, Bache, Close, Carpenter and de Braga:

Assembly Bill No. 176—An Act relating to juveniles; requiring the suspension of the driver's license of a child who is found guilty of a certain criminal activity involving a controlled substance or alcohol; requiring a child to complete an educational program on the abuse of controlled substances and alcoholic beverages before he is issued a driver's license; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Von Tobel, Segerblom, Hickey, Tiffany, Manendo, Parks, Sandoval, Braunlin, Lambert, Close, Amodei, Nolan, Hettrick, Giunchigliani, Ernaut and Collins:

Assembly Bill No. 177—An Act relating to public schools; requiring the boards of trustees of large school districts to establish and maintain a toll-free telephone number for members of the general public to report the apparent waste of goods, products or financial resources; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Buckley, Ohrenschall, Anderson, Perkins, Close, Arberry, Giunchigliani, Amodei, Segerblom, Mortenson, Evans, Krenzer, Williams, Manendo, Koivisto, Chowning, Collins, Price, Nolan, Carpenter, Hickey, Neighbors, Marvel, Parks, Cegavske, Sandoval and Hettrick:

Assembly Bill No. 178—An Act relating to motor vehicles; providing a right to rescind a contract for the sale of a used vehicle under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 179—An Act relating to hazardous materials; authorizing the division of environmental protection of the state department of conservation and natural resources to designate highly hazardous substances by regulation; requiring the division to coordinate and administer certain federal programs; clarifying the motor vehicles for which a permit to transport hazardous materials must be obtained; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen de Braga, Carpenter, Neighbors, Segerblom and Humke:

Assembly Bill No. 180—An Act relating to wildlife violations; excluding certain permits issued by the division of wildlife of the state department of conservation and natural resources from provisions governing demerit points for wildlife violations; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 181—An Act relating to traffic laws; deleting the provision which limits the issuance of a citation for a person's failure to wear a safety belt in a motor vehicle to vehicles halted for other offenses; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 182—An Act relating to motor vehicles; reducing the maximum lawful rate of speed for certain vehicles; making a fine mandatory for transporting certain children without using restraining devices; removing an exemption from the prohibition concerning window tinting; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 183—An Act relating to public welfare; requiring payment by counties of the nonfederal share of expenditures for certain medically indigent persons covered by the state plan for assistance to the medically indigent; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Nolan and Anderson:

Assembly Bill No. 184—An Act relating to the Nevada highway patrol; providing for a leave of absence with pay in lieu of compensation for an industrial injury or occupational disease for certain members of the Nevada highway patrol; and providing other matters properly relating thereto.

Assemblyman Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Neighbors, Manendo, Hickey, Mortenson, Lee, Collins, Arberry, de Braga, Segerblom, Chowning, Bache, Amodei, Giunchigliani, Williams and Freeman:

Assembly Bill No. 185—An Act relating to state employees; revising provisions governing the adjustment of certain grievances; authorizing the use of arbitration; providing a process by which an arbitration panel is selected; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Price, Von Tobel, Close, Carpenter, Herrera, Parks, Koivisto, Anderson, Hettrick, Chowning, Goldwater, Krenzer, Cegavske, Humke, Dini, Lambert, Sandoval, Manendo, Marvel, Mortenson, Lee, Braunlin, Segerblom, Berman, Freeman, Bache, Nolan, Ernaut, Collins, Gustavson, Giunchigliani, Perkins, Buckley, Amodei, Neighbors, Tiffany, Ohrenschall, Williams, de Braga, Evans and Arberry:

Assembly Bill No. 186—An Act relating to the state legislature; requiring the immediate disclosure on the weekly list of bill draft requests of the name of the legislator who requests the preparation of a legislative measure; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Herrera, Goldwater, Perkins, Buckley, Anderson, Bache, Hettrick, Giunchigliani, Freeman, Parks, Braunlin, Koivisto, Lee, Gustavson, Cegavske, Mortenson, Collins, Chowning, Price, Williams, Krenzer, Amodei, Arberry, Dini, Berman, Nolan, Manendo, Evans, Hickey, Carpenter, Segerblom, Ernaut, Marvel, de Braga, Neighbors, Close, Ohrenschall and Von Tobel:

Assembly Bill No. 187—An Act relating to education; requiring the boards of trustees of school districts in certain counties to establish an oversight committee for the construction and repair of school buildings; prescribing the membership and duties of the committee; and providing other matters properly relating thereto.

Assemblyman Herrera moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 2.

Amend section 1, page 1, by deleting lines 17 and 18 and inserting: "*primary election or primary city election, a separate page on which is printed a list of the offices and*".

Amend the title of the bill, first line, after "relating to" by inserting "primary".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 78.

Bill read second time and ordered to third reading.

Assembly Bill No. 98.

Bill read second time and ordered to third reading.

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

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 15.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 15:

YEAS—41.

NAYS—None.

Absent—Ernaut.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Assembly Bill No. 22:

YEAS—41.

NAYS—None.

Absent—Ernaut.

Assembly Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 40.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment 15.

Amend sec. 3, page 2, by deleting lines 29 through 32 and inserting:

"281.581 [A willful failure to file a statement of financial disclosure as required by the provisions of NRS 281.561 and 281.571 or regulations adopted thereunder is a misdemeanor.]

1. Except as otherwise provided in subsection 2, a candidate or public or judicial officer who violates any of the provisions of NRS 281.561 or 281.571 or regulations adopted pursuant to those sections is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the commission in a court of competent jurisdiction and deposited with the state treasurer for credit to the state general fund.

2. If a civil penalty is imposed because the candidate or public or judicial officer failed to file his statement of financial disclosure or amended statement of financial disclosure in a timely manner pursuant to NRS 281.561, the amount of the civil penalty is:

(a) If the statement is filed not more than 7 days late, $25 for each day the statement is late.

(b) If the statement is filed more than 7 days late but not more than 15 days late, $175 for the first 7 days, plus $50 for each additional day the statement is late.

(c) If the statement is filed more than 15 days late, $575 for the first 15 days, plus $100 for each additional day the statement is late.".

Amend the title of the bill, third line, by deleting: "providing a penalty;" and inserting: "eliminating the criminal penalty for willful failure to file a statement of financial disclosure; establishing a civil penalty for failure to file in a timely manner certain statements of financial disclosure;".

Assemblywoman Giunchigliani withdrew the amendment.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Roll call on Assembly Bill No. 40:

YEAS—42.

NAYS—None.

Assembly Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 72.

Bill read third time.

Remarks by Assemblyman Bache.

Conflict of interest declared by Assemblyman Sandoval.

Potential conflicts of interest declared by Assemblymen Lambert and Collins.

Roll call on Assembly Bill No. 72:

YEAS—41.

NAYS—None.

Not voting—Sandoval.

Assembly Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 89:

YEAS—42.

NAYS—None.

Assembly Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that Assemblyman Goldwater's remarks and the newspaper article read by the Chief Clerk be entered in the Journal.

Thank you, Mr. Speaker. It is indeed a sad week when we lose people like Ms. Ohrenschall's mother and Katherine Simmons. I have lived in Las Vegas for my entire life; my family has been there since the early 1950s and have been Nevadans since the early 1900s. This loss represents the passing of an era where you see people who were truly giants in the

community--truly recognized--pass. Their passing is important to note as we recognize our own mortality and the changing nature of our state and our cities. Those states and cities are made up of people, which is truly the important infrastructure, and when these people pass, it is important to remember who they were, what they represented, and that they had made a significant contribution to our cities and to our state.

Thank you for the opportunity.

CHIEF CLERK:

This is an article from the *Las Vegas Sun* newspaper regarding the death of Katherine Simmons, a long-time friend of Mr. Goldwater and his family.

Long-time Las Vegas resident Katherine Simmons, an avid golfer who hosted parties attended by famous athletes and entertainers, has died at the age of 80.

She died Wednesday at Columbia Sunrise Hospital and Medical Center.

Born August 28, 1916, in Winsboro, Louisiana, Simmons and her husband, Cecil, moved to Las Vegas 40 years ago from Dallas. He became casino manager at the Desert Inn, where he worked from the 1950s to the early 1970s.

Toni Clark, widow of Desert Inn founder Wilbur Clark, remembered Simmons as being "very vivacious, very bubbly."

"She had a Southern accent that was very cute," Clark said. "She used to play quite a bit of golf at the Desert Inn Country Club. She loved the golf tournaments that they had there."

When the country club hosted the annual Professional Golfers Association tournaments, Simmons invited many of the top touring pros for parties at her house on the golf course.

Among those who attended were golfers Jack Nicklaus, Arnold Palmer, Miller Barber and Doug Sanders. Super Bowl quarterback Joe Namath and Hall of Fame baseball pitcher Don Drysdale also appeared.

Entertainers such as Phil Harris, Alice Faye, Harry James, Betty Grable, and Sonny King also showed up at her parties.

During New Year's Day parties, Simmons would serve her guests Southern fried chicken, candied yams, sweet potatoes, black eyed peas, and corn bread.

Clark recalled that Simmons once sold her home to billionaire Kirk Kirkorian, and then bought it back.

"She was a fun person," Clark said. "She just loved life."

Simmons belonged to both the Desert Inn and Las Vegas country clubs. She also was affiliated with the American Red Cross and with St. Jude's Ranch For Children in Boulder City.

She is survived by her husband. Services are private, and entombment will be in Dallas. Arrangements are being handled by Palm Mortuary in Las Vegas. Donations may be made to St. Jude's Ranch For Children in Boulder City.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 82 be re-referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 5; Senate Concurrent Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Robert R. Orgill.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Kohler and Frank Molitor.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy DuClos and Judy Mosby.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Seline.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Kohler.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Kuretich and Larry Kuretich.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, February 19, 1997 at 10:45 a.m., and that it do so in memory of Maria Pintos.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), February 19, 1997

Assembly called to order at 10:53 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our Heavenly Father, You are light. Your word is a lamp to our feet and a light to our path. Direct our steps this day. We pray in the Name of the One who is even still the Light of the World. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Goldwater and Krenzer to invite the Senate to meet in Joint Session with the Assembly to hear a message from United States Senator Harry Reid.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 18, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 57.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 8, 51, 54, 87.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 12.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 2.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 2.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

The Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:03 a.m.
President pro Tempore of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President pro Tempore of the Senate appointed a Committee on Escort consisting of Senator Wiener and Assemblywoman Chowning to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United States Senator for Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted Senator Reid to the rostrum.

The President pro Tempore of the Senate welcomed Senator Reid and invited him to deliver his message.

Senator Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SIXTY-NINTH SESSION, 1997

Mr. President, members of the legislature, and friends.

American patriot and public servant Adlai Stevenson said more than 50 years ago that public confidence in the integrity of the government is indispensable to faith in democracy, and when we lose faith in the system, we have lost faith in everything we fight and spend for.

Too often, the media and public dwell on the negative. We as legislators cannot. We all know we can do better, but let us educate the taxpayer of our accomplishments. In late December and early January, northern Nevada experienced some of the worst flooding this century. We saw the Federal Emergency Management Agency quickly respond to short-term and long-term needs of residents and businesses. With FEMA's help, we are rebuilding, and we are well on the road to recovery. Over the years, FEMA has developed an example of good government. This cost-effective, responsive agency has developed an innovative, customer-oriented approach to government. Washoe, Storey, Lyon, Douglas, and Carson have seen their good work.

I am proud of our historic national park system, started in the early part of this century. We now look with satisfaction and pride at our country's special places with names like Yellowstone, Grand Canyon, Yosemite and, yes, Great Basin. There is so much more that our

governments can accomplish for our great nation. We need to work together to accomplish this.

Let's look at our economy. Last year was the fourth year in a row with a declining deficit, the first time since before the Civil War we've had four years in a row with a declining deficit. We've had the lowest inflation and the lowest unemployment in more than 40 years. We've had the highest economic growth in 40 years. We have today 300,000 fewer federal employees than we had four years ago. We have a federal government smaller today than when President Kennedy was president.

For the end of one millennium and the beginning of another, we have to make government work. We must work to restore faith in government. We are all part of government: city, county, state, and federal.

There are things we need to do better. I am committed to a partnership with you to make government better. We each, as legislators, have the ability to effect change--change to people, their businesses, and their communities. We need to exercise the power we have with foresight and with discretion. We, as legislators, need to work together in a true federal-state partnership.

Where must we work together? The first area is education. Two-thirds of our kids after finishing high school never graduate from college. These two-thirds, just like those that do graduate from college, are valuable and worth much to society.

The President, in his State-of-the-Union message, set forth 10 specific items to improve the education of all of our boys and girls. The Hope Scholarship proposed by the President to extend school to years 13 and 14 will enable those who do not attend college to learn technical skills or a trade and become productive, vital parts of our business markets. I will work to make Hope Scholarships a reality for all Nevadans so that our high school graduates--all of them--can advance in today's complicated and competitive world.

While we on the federal level can help with Pell Grants for college, Hope Scholarships for community college, and other national goals, the prime responsibility for getting Nevada youngsters to this level lies with you. There is some federal discretion with programs such as reading and math initiatives, national teaching standards, and safe and drug-free schools in grades K through 12, but the main responsibility, I repeat, is yours. I look forward to helping you shoulder this difficult but essential burden for the State of Nevada. State and federal governments must work together to help all children. Governor Miller has worked hard during his more than eight years as governor to help reduce class size and to modernize Nevada's schools. With your help, he has accomplished much. Dr. Moore and Brian Cram have done something that is truly historic. Moore and Cram have anticipated and met many of the education needs of the diverse communities in southern Nevada.

Last night, I was with my oldest granddaughter, Ryan, a first grade public school student in Las Vegas. I asked Ryan if I could borrow her backpack to illustrate why we need to focus on education and technology. What will this backpack contain only 15 years from now, in the year 2010? Let's take a look inside.

Is this a cellular phone? It is that and it's even more. This small device has the ability to phone, page, provide instant information and services about news, weather, sports, and even stock prices. This pocket-size instrument can send data for computers, electronic mail, and faxes. It can handle two-way messaging; it can do conference calls and electronic transfers of funds in your bank. This is what it can do now; think what a similar model will do in the year 2010.

Are there books inside this twenty-first century backpack? No. Instead we have CD ROMS. In one small, feather-light disc, we have an entire set of encyclopedias and even more. I have all my adult life collected books. I have bookcases in my homes in Washington and in Searchlight. I have bookcases in my Carson City office, Las Vegas office, Washington office, and Reno office; but one of these small discs has the capacity to hold many more books than are in my homes and all my offices put together.

Are there traditional notebooks made with paper inside this twenty-first century backpack? No, instead we have a computer laptop. This notebook also serves as a DayTimer® and a

calendar. With this, tomorrow's students can do more than could be done with the computer that covered the entire third floor of the Clark County Courthouse only several years ago.

In Searchlight and at Basic where I went to school, we had adequate teachers and some excellent teachers. In the future, all of our students will have access to the best teachers in the country. The best math teacher in Los Angeles can teach students all over Nevada, rural and urban. It will be interactive teaching, and it can be done through an instrument like this small computer.

Last week, I visited Silverado High School in Las Vegas and was fascinated by one teacher's classes. Dan Curry is an innovative science teacher at Silverado who created a global lab program where his students interact with students from Milan, Italy, and Prague in the Czech Republic. This same class also coordinates and shares with students in Hawaii, Indiana, and Texas. There is a waiting list to get into his class. His students love science. They even put out their own global newspaper. I have no doubt that in the year 2015 all high schools in America will be involved in programs similar to Mr. Curry's at Silverado.

Technology is advancing rapidly. As we enter a new millennium, Nevada students should not be left behind. Every time I visit with my five grandchildren, I am reminded about the importance of preparing for the future and making Nevada a strong, healthy state for future generations—yes, for my children and my children's children. There are things we need to do now in order to be prepared for the twenty-first century, but nothing is more important than investing in education, and this backpack of the future shows technology as the new frontier to the best education possible.

We also need to work together on health issues. Six years ago, three women came to visit me in my Las Vegas office. They had a disease called interstitial cystitis. Prior to my advocacy on their behalf, this disease was unrecognized—it was unrecognized even at the National Institutes of Health--even though 500,000 women suffered excruciating pain from this bladder disease. As a result of their visiting my office, we now have a women's health division at NIH, and IC, and other women's diseases such as lupus, multiple sclerosis, breast cancer, ovarian cancer, cervical cancer, and uterine cancers are being aggressively pursued by our research scientists looking for new treatments, preventive medicine, and cures. A male-dominated federal legislature had allowed women to be routinely ignored in medical research, and devastating diseases were overlooked or under funded. Now, what I call "medical sexism" has been nearly eliminated.

There is one success story I want to share with you. Professional golfer Terry Jo Myers suffers from interstitial cystitis. She had the courage to come to me a few years ago and work with me toward finding a cure for this disease. She and I have become friends, and I follow every tournament that she plays. In the Monday morning Reno paper, in the sports page which I always read first, there was an article about my friend, Terry Jo Myers. Let me share it with you.

> Terry Jo Myers' triumph was considerably more than just a golf victory.
> Myers, who has fought a long battle against a painful, depressing disease that led her to the brink of suicide, charged past the fading Annika Sorenstam, to win the Los Angeles open championship Sunday, her first victory in nine years.
> Myers finished with a 6-under-par 66 to rally from five shots behind and beat Sorenstam by two shots.
> The 34-year-old Myers, who two years ago began using an experimental drug that helped clear her of the symptoms of the bladder disease interstitial cystitis, began crying on the sixteenth hole at Oakmont Country Club, realizing that she had, at least for the time, beaten her illness and regained her golf career.
> "My emotion is not about going so long without a win. It's connected more with overcoming a very serious disease and actually being able to win again," Myers said. "That's what the emotion is about, staying out here and playing."

"I'm very proud of myself."

She also won $100,000.

I was encouraged by President Clinton's support of legislation I am sponsoring with the Senate leadership to end what are being called drive-through mastectomies. Our Breast Cancer Protection Act will stop insurance companies and managed care providers from forcing women who undergo mastectomies to leave the hospital the same day they undergo this traumatic procedure.

About two years ago, my wife was stunned by news from the doctor who had interpreted her mammogram. Spots appeared that were not present at the last examination. It was necessary that a surgeon perform a lumpectomy to determine whether it was cancerous. We went through 10 very difficult days, waiting for the surgery and, of course, worrying about the results. The anxiety was intense, especially during the surgery. The doctor came out of the operating room and conveyed the words, "Your wife is okay."

Jackie Zaro had a different experience. Her surgeon told her she would need a mastectomy. Jackie's insurance company and provider would pay for the procedure only on an outpatient basis. She had the surgery and went home within a day. I can't imagine what it would have been like if Landra would have had a mastectomy and been sent home that same day. I am not a surgeon, but I know that mastectomies are painful, invasive procedures. Women need time to recover and learn what is needed for safe healing, with basics, such as wound dressing. I'd like you today to welcome to the Nevada State Legislature, Jackie Zaro, a brave, courageous woman who is here representing the tens of thousands of breast cancer victims and survivors in Nevada who all say we can do better. Jackie, would you please stand.

In 1990, well before the O. J. Simpson trials, I brought up an issue in the Senate that few discussed publicly, domestic violence. At the time, Nevada only had two shelters with about 60 beds. I held domestic violence hearings in Nevada--the first of their kind in the country. I learned first-hand about this tragic violence that scars thousands of Nevada families. The statistics are overwhelming. In our country, 5,000 women a day are beaten by somebody they know. With this knowledge, I was able to craft legislation to provide more shelters and education services. Every year since then, I have made sure that Congress remains committed to providing women the means to end the cycle of violence in their homes. I have appreciated what you have done in the past to stop this oppression. I also anticipate passage of legislation offered by Assemblywoman Ohrenschall this session, co-sponsored by every Assembly member, to make restraining orders easier to obtain, to create a clearinghouse for domestic violence information, and establish sentencing guidelines. I thank you very much.

Individual participation in our democracy can effect real change. Three or four years ago, a friend of mine from Las Vegas, Sandy Jolly, called me in Washington and said she had seen a terrible example of man's inhumanity on a television program. I obtained the program and for the first time was confronted with a tortuous procedure known as female circumcision, or female genital mutilation. At least 130 million women have been mutilated; 6,000 each day, seven days a week. Two million girls each year have their genitalia cut from their bodies without anesthesia and with the crudest of instruments, including razor blades and broken glass.

I was horrified that this procedure could take place, and even take place in our country. Two years ago I had legislation passed to require the United States Department of Health to compile data on FGM and to disseminate this information, including to medical schools. Last year I authored and had passed legislation making FGM illegal in the United States. A new law also directed the executive directors of international financial institutions to oppose loans to countries that are not working to eradicate this barbaric practice.

Because of Sandy's call to me, we now have federal law that makes a difference in the lives of women and their families. Sandy Jolly is here today. She is here in Carson City attempting to work with each of you to pass a state law to criminalize FGM in Nevada. She is a terrific example of a citizen legislator. Sandy, would you please stand so we can thank you for your good work.

Another overlooked policy arena when it comes to women is pension equity. Nevada does

well in protecting spouses. We are one of 11 states in the country that require, by statute, spousal consent to waive survivor pensions. This means there must be actual written consent of the participant's spouse in the event that the participant does not select an annuity with survivor benefits. This shows that Nevada recognizes the importance of the spouse's participation in the process of structuring retirement benefits. Nevada is one of the states that has a statutory provision that requires the pension plan to comply with court orders, awarding a share of the participant's pension to a spouse. On a federal level, we need to encourage other states to follow Nevada's example. I am sponsoring the Pension Equity Act in Congress to make sure that women everywhere are afforded retirement security to the same extent as men.

We are witnessing the greatest social transformation of women's roles and the structure of the family unit since the beginning of time. It is a time rich with opportunities, yet complicated with countless demands and challenges. Women have made great strides despite unfair setbacks and discrimination. Now, more than ever, we need to work together to eliminate the roadblocks that prevent women from reaching their fullest potential.

We have a proven partnership when it comes to meeting the needs of those in their golden years. Together, we have made some important changes. Nevada, magnet for seniors--Summerlin, Henderson, Dayton, Elko, any place in Nevada--has a large, growing senior population. This past year has made it easier for people moving here with pensions from other states. This legislature passed resolutions on more than one occasion advocating passage of the source tax repeal, which I had authored, and with your help, my legislation passed.

One of the main reasons we were able to complete my source tax bill was because of another citizen legislator who took the time to make government more responsive. Bill Hoffman and his wife Joanne started on their kitchen table an organization called RESIST. Until his work, this was ignored. His initial meeting, as I've indicated, was over his kitchen table in Carson City. Members from all 50 states joined this grass roots movement he called RESIST. The rest is history. Bill Hoffman is an example of how democracy can work if one allows himself or herself to get involved. Bill Hoffman and his wife Joanne should be congratulated. Because of them, we no longer have in Nevada the source tax. Would you please stand, Bill and Joanne.

Two weeks ago, I introduced a free-standing bill in the Senate to force the federal government to stop using Highway Trust Fund monies for unrelated government spending. The trust fund was set up to use these gas taxes for road building and repair and mass transit. But more than $20 billion of this trust fund is being used to mask the federal deficit. The House has passed my legislation; the Senate should also pass it. Join with me in this effort to resolve that all trust fund monies be used to pay for road construction and nothing else. This is extremely important to a booming state like Nevada where our roads and highways are stretched to their limits. With this money from the Highway Trust Fund, I have been able to direct money to the U. S. 395 expressway between Reno and Carson City; the Sparks interchange; the Sahara overpass; the Spaghetti Bowl; the Spring Mountain exchange; the road to Pahrump; Henderson beautification; and many more. But this is only a small amount of what could be done if we had our share of the $20 billion trust fund. Raiding the Highway Trust Fund to pay for unrelated government expenses is the same as using the Social Security Trust Fund to offset the deficit under a constitutional amendment to balance the budget. I support a balanced budget amendment, but I do not favor the Social Security Trust Fund being used like the Highway Trust Fund. When one goes to buy a gallon of gas, the 19-cent federal tax perhaps should be advertised as not really going into a trust fund but a slush fund.

Also, an employer pays into a fund with their employees to set up a retirement plan we call Social Security. This money should not to be used for other purposes. I used to be a lawyer, and when I practiced law, when we collected money from one of my clients, it was put into a trust fund. If I were to use this money to pay for something personal in nature, I could lose my license to practice law or even be prosecuted criminally. Likewise, I say it is wrong we use Social Security Trust Fund monies for other purposes, and I think it should be illegal for Congress to deplete the Social Security Trust Fund monies the way that we're doing.

When I started this battle to protect Social Security three years ago, I was a voice in the

wilderness. Slowly, support has escalated. Even as we speak, a courageous group of sophomore Republicans in the House of Representatives have decided not to march with their leader, Newt Gingrich; they have said yes to a balanced budget amendment, but we're not going to vote for a balanced budget amendment unless we exclude Social Security. I appreciate that, I appreciate that a lot. I also am aware of articles within the past few days in the Wall Street Journal and the New York Times which indicate that almost 75 percent of the American people want a balanced budget, but they don't want it if Social Security is used to balance the budget. I also am aware that in the Nevada State Legislature in the last several hours, there has been a resolution authored by Senator Coffin and supported by nine other senators, that calls for the State of Nevada to follow the lead—yes, let's have a balanced budget amendment, but let's exclude Social Security, and I appreciate each of you who are willing to go forward and help us in Washington on this issue.

One of the ways considered to preserve Social Security in the out years is to mandate that all state and local government employees would have to participate in this federal program. In Nevada, this would mean about 70,000 employees. We must join together to stop this. It is a bad idea, number one, because it is tantamount to establishing a new tax on middle class Nevadans; two, mandatory Social Security would undercut the ability of state and local governments to continue to fund state retirement; and, three, state and local governments do not need another unfunded mandate.

Finally, as to older Americans, we heard a lot of speeches for years about having a veterans' cemetery; we now have two. We have a VA hospital in Reno; we also have one in Las Vegas, but we are one of only nine states without a veterans' home. With Governor Miller's leadership and your advocacy, we are finally going to get what the veterans have so long deserved. This has given me great satisfaction and stands as another example of a productive federal-state working partnership.

If we are to maintain Nevada's high quality of life into the next century, we need to take steps now to protect our natural resources. Our economic well-being is inextricably linked to a healthy environment and clean and abundant water supplies. Countries that have ravaged their natural resources for short-term gain have learned hard lessons about the importance of environmental protection. As growth continues, we need to pay close attention to our natural resources and properly prepare for the challenges ahead.

I, like you, am proud of Nevada's tourist attractions--the Las Vegas Strip; Glitter Gulch; South Virginia Street; Lake Tahoe. But nothing gives me more satisfaction than promoting our state's natural grace and radiance. Our state, the most mountainous state in the United States with the exception of Alaska, has natural beauty that is second to none. Our 14 wilderness areas are the talk of the West. But we in Nevada also have major environmental problems stemming from our population growth.

Unprecedented expansion has created dust and smog in the valleys of Las Vegas and Reno. The federal government has helped Nevada maintain water quality, clean air, and a wide range of our natural resources. As a member of the Senate Environment Committee and the Appropriations Committee, I have helped develop solutions with you to ease Nevada's growing pains and protect magnificent gems like Red Rock Canyon, Mount Charleston, Lake Mead, Mount Rose, Great Basin, and Lake Tahoe. The stress being placed on our great outdoors necessitates continual vigilance.

The Nevada congressional delegation is sponsoring a bill to provide for long-term planning of public land sales to enhance open spaces. The Nevada Public Lands Management Act incorporates local entities into the planning process and gives state and local governments a portion of the profits from the sale of this federal property. We need a long-range management plan for conveying certain public lands to state and local interests in exchange for environmental protection of fragile areas. When our bill passes, I envision a carefully planned, interconnected system of parks and biking and hiking trails. It is a win-win in the truest sense; the environment wins, the economy wins, and most of all, Nevada wins.

Our vigilance must carry over to our urban environments as well. Across America, downtowns are struggling for survival. Las Vegas and Reno downtowns have benefited by line

items I placed in the Treasury and Postal Service appropriation bills. Almost $40 million for our beautiful courthouse in Reno, and now $100 million for the Las Vegas courthouse to fill the Minami hole. These appropriations could not have come about without direction from the Nevada judiciary and leaders of the cities of Reno and Las Vegas.

Another environmental concern Senator Bryan and I have been battling since we both entered Congress is nuclear waste. I still hold the record for the longest filibuster for a freshman senator when I stymied the Yucca Mountain nuclear waste bill in 1987. Last year, I developed a new parliamentary procedure in the Senate called a rolling filibuster to derail a bill to propel nuclear waste into Nevada at an interim site. As we all know, politics, not science, made Yucca Mountain, Nevada, the final site selected for a permanent repository. This has been the critical flaw in the entire process.

Over the years, the nuclear industry has grown tired of the studies at Yucca Mountain, conducted to ensure public and environmental health. The possibility that Yucca Mountain may be found unsuitable for permanent storage has increased, and a decade of battling with me and Senator Bryan has taken a toll. So the industry came up with a sneaky, dangerous plan to circumvent current law and propel waste into Nevada on a supposed temporary, or interim, basis at the Nevada Test Site, bypassing strict public safety requirements. Last year, we beat back the interim storage legislation scheme with our filibuster and a vow from President Clinton to veto this unsafe legislation. While Senator Bryan and I got a lot of headlines, our success would not have been possible without the leadership of Governor Bob Miller and the overwhelming opposition to nuclear storage in Nevada by both the Nevada Assembly and Nevada Senate. I appreciate that. Nevada has won many battles, but the war is not over.

Another battle we face is over water. Our supplies are limited and our demand growing. In 1929, when waters from the lower Colorado River were apportioned, no one could have guessed that Las Vegas would be the booming metropolis that it is and the country's fastest-growing region. At the time, Nevada only got a tiny share of the water allocated. We need to modernize water laws governing the river to better reflect population trends, density, and demands. We must also keep our options open for other projects such as desalinization and water banking.

Given the lack of water in arid regions, western water disputes have been contentious, longer even than Nevada has been a state. When I was elected to the Senate in 1986, I said water was the biggest problem facing northern Nevada and decided to become involved in these conflicts. My Truckee River Negotiated Water Settlement, signed into law by President Bush on the date of the birth of my granddaughter, November 16, 1990, was a turning point in the history of western water.

Significant progress has been made in implementing the negotiated settlement dealing with the Carson and Truckee Rivers. More than I, however, have worked on this legislation; Barbara Vucanovich; the leaders of the cities of Sparks and Reno; Washoe County; Pete Morros; Mike Turnipseed; the Sierra Pacific Power Company; the Pyramid Lake Paiute Tribe; the Fallon Paiute Tribe; and my friend, Governor Bob Miller, have been instrumental in our record of achievement on this landmark legislation. This has ended a 100-year water war between the states of Nevada and California. We dealt with two endangered species; two Indian tribes; threatened wetlands; upstream water storage for Reno and Sparks; a beautiful desert lake called Pyramid; and several agricultural communities. Law review articles, water conferences, and academics speak of the importance of our work. We are now in the final stages of implementing this historic legislation.

All of northern Nevada, especially Pyramid Lake, benefited from the negotiated settlement, but nearby Walker Lake is in serious trouble. I have been working to save this unique body of water in Mineral County that is drying up. The Walker River and Walker Lake are part of the Great Basin and an integral part of Nevada. Walker Lake is a popular fishing and recreation attraction that has played a vital role in the economy of Mineral County for decades.

The problems of the Walker River system are a challenge for us all. This fragile desert river now needs our full attention. The federal presence is not as overwhelming as with the Carson and Truckee Rivers. The agricultural communities of Mason Valley; Smith Valley; Schurz; the

Walker River Paiute Tribe; Lyon County; Yerington; Hawthorne; and, of course, Walker Lake, depend on our responsible stewardship of this delicate ecosystem. There are only 21 other desert terminus lakes in the whole world.

When I first announced I wanted to save and preserve this thing of nature, I was approached by an elected official and landowner who asked to meet with me in Reno. We met, with their short and succinct message to me being, "Let Walker Lake dry up." I quickly responded, "No." That is still my response. We must save this priceless piece of nature. We can save Walker Lake and preserve the green of the two picturesque valleys called Mason and Smith. It won't be easy, but working together we can do it because I believe we must.

Finally, Lake Tahoe, which Mark Twain described almost 140 years ago as, "...surely the fairest picture the whole earth affords." Lake Tahoe is in trouble. It needs help. We again need to work together, not only within the state, but also with the State of California. As you know, I have asked President Clinton to convene a summit to focus national attention on the treasure we share not only with California, but with the world. This body of water is in stress, but I am today elated to inform you that just yesterday the White House informed me the Tahoe summit was a go. In fact, the President's note on the briefing papers he was given stated, "I'm okay. I want to do this in the spring or early summer." So I say to you, Mr. President, "Thank you. With your attention, our crown jewel, Lake Tahoe, will continue in its unparalleled majesty."

I have enjoyed our visit today. I appreciated your attention. Most of all, I acknowledge and applaud your public service, your sacrifice for the intended good you perform. I leave you, though, with the words of one of America's great leaders, Woodrow Wilson: "I would rather lose in a cause that will some day win, than win in a cause that will someday lose." Please keep this counsel in mind as we travel in time to the end of a millennium and prepare our great state, the State of Nevada, for its entrance into the next century, a new millennium.

Thank you very much.

Senator Porter moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his message.

Motion carried unanimously.

The Committee on Escort escorted Senator Reid to the bar of the Assembly.

Assemblyman Neighbors moved that the Joint Session be dissolved.

Motion carried unanimously.

Joint Session dissolved at 11:48 a.m.

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

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 102 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Anderson, Neighbors, Lee, Segerblom, Amodei, Hickey, Lambert, Manendo, Bache, Perkins, Freeman, Evans, Chowning, Collins and Dini:

Assembly Bill No. 188—An Act relating to counties; authorizing each board of county commissioners to create by ordinance the office of coordinator of services for veterans; establishing the duties of the coordinator; authorizing the coordinator to seek support from certain county, state and federal funds; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Carpenter, Sandoval, Anderson, Herrera, Collins, Neighbors, Ohrenschall and Gustavson:

Assembly Bill No. 189—An Act relating to community service by county inmates; requiring certain boards of county commissioners to conduct a study regarding the feasibility of establishing a program to require the inmates of its county jail to perform community service; providing an exception; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 190—An Act relating to the account for the channel clearance, surveying and monumenting program; increasing the amount retained in the account; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 8.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 12.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 51.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 54.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 87.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 17.

Bill read second time and ordered to third reading.

Assembly Bill No. 65.

Bill read second time and ordered to third reading.

Assembly Bill No. 101.

Bill read second time and ordered to third reading.

Assembly Bill No. 124.

Bill read second time and ordered to third reading.

Assembly Bill No. 125.

Bill read second time.

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

Amendment No. 23.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 4 as sections 1 through 3 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. The chief of the purchasing division of the department of administration shall adopt the regulations required pursuant to NRS 333.155 on or before January 1, 1998.

Sec. 5. 1. This section and sections 1, 2 and 3 of this act become effective on October 1, 1997.

2. Section 4 of this act becomes effective upon passage and approval .".

Amend the title of the bill to read as follows: "An Act relating to public purchasing; revising certain provisions governing the maintenance of records relating to state purchasing; establishing a deadline for the adoption of certain regulations by the chief of the purchasing division of the department of administration; and providing other matters properly relating thereto.".

Assemblywoman Lambert moved the adoption of the amendment.

Remarks by Assemblywoman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 78.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 78:

YEAS—42.

NAYS—None.

Assembly Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 98.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 98:

YEAS—42.

NAYS—None.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bob St. Germain.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Elmcrest Fifth grade class: Mrs. Taylor, Miss Kane, Annika Albert, Megan Arnold, Libby Barnard, Jill Callender, Colleen Daly, Marie Duan, Katelyn Dukatz, Tyler Ellis, Clifford Eskola, Cymon Fultz-Valenta, Brandon Gilbert, Jose Henriquez, Genny Krause, Will Loverin, Nancy Martinez, Karen Reynolds, Kelly Rice, Auburn Rittenhouse, Andy Samples, Scott Shaffer, Nichole Spencer and Ellen Webb.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Marvel, Dani Jeanne Duncan, Rosie Marvel, Jamie Marvel, Joan Duncan and Thersa Marvel.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Mayes.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, February 20, 1997 at 10:45 a.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), February 20, 1997

Assembly called to order at 10:52 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our Heavenly Father, You are not a God of confusion, but of peace. Bless, therefore, this Assembly which works diligently to make life more peaceful and prosperous for all of the citizens of this great State of Nevada. In the Name of the beloved Savior we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Carpenter and Berman to invite the Senate to meet in Joint Session with the Assembly to hear a message from United States Representative John Ensign.

Mr. Speaker appointed a Committee on Escort consisting of Assemblymen Braunlin and Tiffany to escort United States Representative James A. Gibbons to the Assembly Chamber.

The Committee on Escort in company with The Honorable James A. Gibbons, United States Representative for Nevada appeared before the bar of the Assembly.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 19, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 28, 45, 48, 57, 73.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Evans, Anderson, Freeman, Goldwater, de Braga, Buckley, Sandoval, Segerblom, Herrera, Koivisto, Braunlin, Lambert, Manendo, Perkins, Giunchigliani, Krenzer, Arberry, Hettrick, Carpenter, Williams, Ohrenschall, Price, Dini, Humke, Chowning, Collins, Bache, Ernaut, Parks, Tiffany and Berman:

Assembly Bill No. 191—An Act relating to education; revising the provisions governing the program to provide pupils with the skills to make the transition from school to careers; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 192—An Act relating to actions for malpractice; requiring the deposition of certain persons before holding the conference for settlement required in medical and dental malpractice claims; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 193—An Act relating to courts; clarifying the type of cases for which a fee must be paid to the clerk of the supreme court; increasing certain fees that the clerk of the supreme court may collect; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 194—An Act relating to actions for malpractice; requiring certain actions for medical or dental malpractice to be submitted to

mediation before they are submitted to a screening panel; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Buckley, Bache, Perkins, Manendo, Close, Price, Arberry, Goldwater, Freeman, Chowning, Giunchigliani, Krenzer, Sandoval and Segerblom:

Assembly Bill No. 195—An Act relating to statutory liens; revising the provisions governing the enforcement of liens for unpaid rent against certain registered owners of recreational vehicles, mobile homes or manufactured homes; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 196—An Act relating to education; authorizing the state board of education and a county school district, for purposes relating to the employment of personnel, to consider certain discharged and dismissed criminal proceedings concerning the illegal use of drugs or controlled substances; providing for the inspection of certain sealed records by the state board of education and a county school district; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 28.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 45.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 48.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 57.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 73.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:03 a.m.

ASSEMBLY IN SESSION

At 11:05 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that the vote whereby Assembly Bill No. 196 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 196 be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

The Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:09 a.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Rawson, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate appointed a Committee on Escort consisting of Senator O'Connell and Assemblyman Ernaut to wait upon Representative Ensign and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable John Ensign, United States Representative for Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted Representative Ensign to the rostrum.

The Speaker of the Assembly welcomed Representative Ensign and invited him to deliver his message.

Representative Ensign delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SIXTY-NINTH SESSION, 1997

Thank you, Mr. President; Mr. Speaker; Senate Majority Leader Raggio; Senate Minority Leader Titus; Assembly Minority Leader Hettrick; all the Supreme Court Justices that are here; all the Constitutional Officers; and a special welcome to my colleague and the junior member of the Congressional delegation, Jim Gibbons.

I am pleased to be able to address you and all of those in the audience today as well.

Most of you don't know, especially up here in northern Nevada, some of my background. Some of my early stomping grounds when I was here in the fourth and fifth grades were right here in Carson City—in fact, right where we're standing. As a matter of fact, driving in here today, I drove by where my first job was. I think it was called the Lamplighter located off of Winnie Lane. I used to take the garbage out for the bar that we lived next door to on Winnie Lane. I have a lot of fond memories here in Carson City. I spent a few years in Reno, and then many years up at Lake Tahoe.

My family has been a Nevada family since 1906. My grandmother was born in Ely, Nevada; my grandfather was born—I think there were three houses at the time—in Dayton. I don't think that he, God rest his soul, would recognize Dayton as it exists today. My mom was born right here in Carson City. I will never forgive my mother for moving out of state. So I cannot truly call myself a native Nevadan even though my grandparents, my mother, and my children are all native Nevadans.

I was reading a newspaper article the other day, and it was about whether Congress had its continued resolve to devolve power back to the states without increased mandates that Washington sometimes likes to do.

Today, I want it to be absolutely clear, beyond a shadow of a doubt, that I am totally committed to the tenets founded in the Tenth Amendment; to bring back decisions, power, money, and everything that goes along with it, to chambers like this across the country, because I truly believe that we can solve problems here in our own state much better than Washington can solve them, and I am committed to that.

Two years ago, I spoke before this body and I talked about the real changes that were going to happen in the bastion of bureaucracy back in Washington, D.C. I talked about prohibiting the federal government from imposing unfunded mandates on the states and about the need to

allow states and local governments the flexibility and resources to solve local problems.

Let's take welfare reform as an example. In what has been called the most sweeping social policy change in 60 years, the federal government was said to have ended welfare as we know it. We are not. We are allowing you to end welfare as we know it. We are just getting out of the way. Today, welfare rolls in Nevada are down 32 percent since the spring of 1995, and we're not done yet.

A lot of credit goes to a lot of different people: the booming Nevada economy; Governor Miller, and many of you in this room, especially state Senator Maurice Washington. These reductions will translate into significant savings for our state as the funding formulas--the block grants--were locked in at 1995 levels. Since our rolls are now down 32 percent from that level, you now have the flexibility, as well as the money, to look out and say, "Let's have a true welfare reform that talks about compassion and getting people from welfare into real jobs that make for a brighter future for them and their children."

Much has been made about the hardship cases on the welfare rolls. I've read many articles in the press about that. You now have the resources and the flexibility of a 20-percent exemption from the work requirement to handle any of the hardship cases. There truly are those who cannot work, so we gave that flexibility to you to handle it the best way Nevada knows how.

In addition, I realize that any block grant approach could be dangerous to such a fast-growing state, and to compensate for this I had included in the bill a growth formula. By the way, Nevada had already qualified for the growth formula before the law was actually penciled in. As soon as the law was penciled in, we qualified for that growth formula. It will help offset a lot of our sizable growth. We didn't do this alone. We did it working together with the governor and this legislature to develop a solution not mired down in politics. When we succeeded in devolving power to the states, we did it by listening to those of you who told us that you could do it better, and we did it by spending money smarter rather than just throwing more money at the problem.

Along with the population growth formula, Nevada has the ability to take advantage of another key provision in this welfare bill. The five states that are most successful in decreasing out-of-wedlock births without increasing abortions are eligible for $20 million each in additional funding. For the State of California, which spends billions of dollars on their welfare programs, $20 million is not a lot of money. But to the State of Nevada, if we could qualify for the $20 million, that would be a 50-percent increase in our welfare funding, so it is worth the interest of the people and of you to design innovative programs to decrease the out-of-wedlock births. Not only will we be doing a service for all of those people and those children that are unfortunately born out-of-wedlock, but we will also be doing our state a service with an additional $20 million.

In America, we must not only look at individual welfare reform; we must also look at the whole corporate welfare state. Many provisions written into our federal tax code and trade laws don't benefit small businesses. They benefit the multinational mega-conglomerate corporations. For example, when we passed the Freedom to Farm Act which phases out all the farm subsidies over seven years, those farm subsidies were not going to the small family farmers. Those farm subsidies were going to several large, mega-national corporations. They were intended to help the family farmers, but that is not where they ended up. We have just begun to scratch the surface in the area of corporate welfare. We will continue to look for other ways to slash subsidies and loopholes for big business without calling everything under the sun "corporate welfare." There are legitimate business expenses that a lot of people are calling corporate welfare, and we don't want to include those. However, there are subsidies out there that we do need to eliminate at the federal level.

I mentioned before that I have more faith in Nevadans to solve our problems than I do in the federal government. My faith in state and local government to find solutions is not the only reason for my fight to return power and money to Nevada. The other reason is that the more the federal government spends, the more economic damage it can do to our state.

Let me explain. Simply stated, Nevada ranks 15th in the amount of money per person that

we send back to Washington. We rank 45th on the amount of money we receive back per person from Washington. If your stockbroker delivered this kind of return on your money, I don't know if you would keep that stockbroker employed too long; I certainly wouldn't. That's why I've been fighting to limit Washington's spending and get some of our money back here in the state. We, as Nevadans, must understand that this is happening and work together to continue to reduce Washington influence.

I want to talk about the balanced budget for a moment. It is critical that we balance the budget in Washington. A balanced federal budget, aside from being the right thing to do, will have a positive effect on each and every American. In order to get our fiscal affairs in order, we must focus on reducing what Washington spends rather than on increasing taxes on middle-class Americans. If we continue as is at the federal level, perhaps in the year 2020 or 2025, tax rates on average middle-class Americans will have to be set at 80 percent. Think about that. Think about what it was 30 years ago and how little of your dollar actually got spent on local, state, and federal taxes. Are we going to tell our children that we don't have enough fiscal discipline and that we want them to pay 80 percent tax rates in the future?

There are some economic benefits to balancing the budget as well. Interest rates will drop by two percent. What does that mean? In real terms, it means a savings—and economists agree on these—$37,000 on the average middle-class home in America, over $2,000 on the average student loan, and $1,800 over five years on the average car loan. Folks, these are real dollars for real people we're talking about. This is real money in Americans' pockets to help them do better and make better decisions for their own families.

Some people say that a balanced budget amendment is not needed. We seem to agree that we need to enact a balanced budget, but agreeing on how we get there—therein lies the problem. Our country has not had a balanced budget since 1969, and because of that, every child born in 1997 will have to pay $200,000 in their lifetime just to pay the interest on the national debt. Think about that--$200,000 just to pay the interest. They get nothing for that. They get no roads; no education; no Medicare; no Social Security; no national defense. That's just their share of the interest on the national debt because people in Washington have not had the discipline to live within the money constraints that Americans send them every year.

There are two main reasons people give for not enacting a balanced budget amendment. The first is that we don't need a balanced budget amendment; we just need to enact a balanced budget. The second is that the balanced budget amendment would be a threat to Social Security.

Let me start with the first argument. As an example to show you how I think we need to force this fiscal discipline on Washington, we only have to look at the President's latest budget. While I applaud the President for bringing a balanced budget to the table, the problem is most of the savings are in the years 2001 and 2002. He will be out of office, and because we enacted term limits on committee chairs, those committee chairs will also be gone from their current posts. That means all new people will be in office. Do we really expect them to make the difficult choices without the fiscal discipline that is required with a balanced budget? I think not.

The second argument states that using a balanced budget amendment is going to be a threat to Social Security. We have had what is called a "unified budget" for as long as I can remember. Any member of Congress who was there last time or in the Congress before that has voted for using Social Security trust funds to fund the government. We've been using it all along. In the President's current budget, he proposes doing the same thing. The people who are suggesting that Social Security would be hurt, need to tell us where we are going to get the $350 billion in additional cuts that are going to be necessary if we exempt Social Security and take it completely out of the budget process. It is ironic that these are the same people, if you look at their careers, who have voted for most of the spending increases in Washington. I think it is time for a balanced budget amendment to the constitution. It is just one of the steps necessary.

Let me now turn to Medicare. Medicare is one of the most important issues facing our country. It is going bankrupt. Everybody agrees it is going bankrupt by the year 2001, maybe

even a little earlier than that. This is according to the President's own trustees on Medicare. It is absolutely time to quit playing politics with Medicare.

The last election is behind us. There's a new attitude in Washington about bipartisanship. Medicare is going to be the true key test to bipartisanship. We are ready to join the President. He needs to show leadership on this. He has brought one proposal to the table so far. It's a good start, but we need to save Medicare for the 37 million seniors and disabled people that are currently dependent upon it. We can't just do it from a numbers game.

I believe strongly that our current Medicare system, as well as the rest of our health care system, is really a "sick care system." If somebody gets sick, we pay doctors and all the providers. We pay to fix them, but we won't pay to keep them healthy. That is why I think it should be called a "sick care system."

I co-authored a bill this year with a Democrat, Carol Maloney, from New York, that will provide annual mammograms for women over the age of 65. The bill is needed because as a woman ages, her chances of contracting breast cancer increase. Yet when she turns 65, Medicare only pays for mammograms every two years. This is called prevention. This is called keeping people healthier. There are other proposals, as a matter of fact, including the President's proposal, that states we're going to teach diabetics how to stay healthier and we're going to pay for prevention to keep them healthier. A large percentage of the total Medicare dollars spent today are on diabetes and diabetes-related diseases. If we can keep people healthier and out of the hospital, not only is it better for the people themselves, but in the long run, it is better for the taxpayer; it is better for the federal budget; and it is better for all the things government does that are good.

I believe strongly we need to continue to look for better ways of doing things in Washington and here in Carson City as well as in the local governments around the country.

I want to now turn my attention to taxes because I believe that our current tax code is unfair. It picks winners and losers in business. People make business decisions based on arcane tax code and tax laws, not necessarily according to whether it is a good business practice. We have such things in our tax code as a marriage penalty. We penalize you if you get married. We have such things as a death tax, known as the estate tax. You get up in the morning and you get in your car. Of course, you've paid the gasoline tax, you've paid your road taxes, you've paid your property taxes. You go to work, and, of course, you pay your payroll taxes, and you pay your Social Security taxes and you pay your Medicare taxes. If you get through all of that, and some of the other fees and taxes along the way—you get down to the end of the day and you decide to go home—and if you happen to be somebody who enjoys some of the simpler pleasures in life like maybe a Budweiser at the end of the day, you now pay 42 cents out of every dollar for beer that you drink. At the end of your life, if you happen to have accumulated a little money that you want to leave to your kids, they slap you with a 55-percent death tax. Our tax system needs to be changed. It needs to be changed in a way that simplifies it, makes it fair, and makes America more competitive in the global economy.

The 104th Congress governed smarter by deregulating the telecommunications industry thereby creating millions of jobs over the next 10 years in America; by allowing workers to take their health insurance with them when they change jobs without the fear of denial due to preexisting conditions; by giving small businesses tax relief and even some expanded pension and health care options; and by reintroducing personal responsibility to individual behavior by encouraging work rather than welfare.

As a member of the 105th Congress, I will again fight to balance the budget, save the Medicare program from bankruptcy, and work in a bipartisan manner with the rest of our state delegation to make sure that Nevada does not end up being the nuclear dump site for the rest of the country. And, by the way, as you are attempting to tackle campaign finance reform, we will also attempt to bridle the beast of campaign finance reform at the federal level. It will be a very difficult process.

Let me now turn to some state initiatives. Infrastructure is a big issue at the state and local levels this year, but the federal government does have a role. Our infrastructure needs have never been greater, as the fastest-growing state in the nation. Besides fighting for our fair share

of highway tax dollars, called ISTEA (Intermodal Surface Transportation Efficiency Act), Senator Bryan and I have introduced a bill. We introduced it in the last session of Congress. We now have the entire Nevada delegation in agreement on it. It's called the Southern Nevada Public Lands Management Act. On the House side, we affectionately call it the Ensign/Bryan Lands Bill. I allow Senator Bryan to call it the Bryan/Ensign Land Bill on the Senate side. This was done in a bipartisan fashion. It's an excellent piece of legislation and it will help pay for some of the desperately needed water infrastructure in southern Nevada. I believe this is the type of legislation that came together with developers, environmentalists, and local governments, the federal government, state government, and everyone coming together with better, smarter governmental solutions to some of our problems. We need to continue to use that as a model.

I would like to commend the governor and every member here today for your support of a state veterans' home in Nevada. We are one of the few states without a veterans' home, and we have the highest population of veterans of any state in the Union. We surpassed Florida last year with the highest percentage of veterans. This project is absolutely critical to those Nevadans who have proudly worn the uniform in the United States Armed Forces, and I urge quick passage of the bill at the state level.

Let me turn briefly to education, because education is such a critical issue. It can get partisan at times. It shouldn't be partisan. What we should be doing is thinking of the kids and the future of our great country.

I attended George Whittell, which at that time was grades 7 through 12, up at Zephyr Cove. George Whittell School was one of the best educations I can possibly even tell you about. One of the reasons that it was, and I can compare this to the schools in southern Nevada, is because it concentrated so heavily on the basics—reading, writing, and arithmetic. Everything else became easy. I believe very, very strongly in technology, but until our schools start teaching the basics again at an early age and introducing discipline, we will never have the finest schools in the world.

Another item in educational reform is the concept of character education in our public schools. During most of our history, character education--or the teaching of core values--was considered just as important as intellectual knowledge. I think most of us would agree that character education has been taken out of our schools, especially our public schools. I was reading an article in the *Wall Street Journal* which detailed the positive and dramatic results that character education had on some inner city schools, both in student behavior and academic performance. Let me just read a little bit from this article.

> The Allen Elementary School, an inner city school in Dayton, Ohio, with 60 percent of its students coming from single-parent homes and 70 percent from families on welfare, was a near disaster in 1989. Allen was ranked 28th out of Dayton's 33 elementary schools in test scores, and teachers couldn't teach because of disciplinary problems. The principal implemented a comprehensive character education program. Five years later Allen was number one in test scores without any increased funding and its behavior problems had improved dramatically.

They had other examples in this article. What I found the most fascinating was that it was submitted by a nonprofit character educational partnership. Board members included Barbara Bush and the Reverend Jesse Jackson. If those two people can come together on educational reform, can't we, as Republicans and Democrats, realize the importance of teaching core values in our schools and start doing it so Nevada schools become the best in the entire United States?

Let me close by quoting Elie Wiesel, the Romanian writer and Holocaust survivor who once said, "I've looked for answers in many ways--religious, political, humanistic, in different places. I have come to believe there is only one response, the moral response. Whatever we do must be measured in moral terms."

So easily spoken, yet often so difficult to practice.

I remain totally committed to continuing to return money, power and influence to all of you. This is morally right for our future as a nation and becomes simply a matter of political will.

I'm enthusiastic about this session of the legislature and what you're doing here. I want to commit my efforts to joining with you in having this be a bipartisan, let's just say nonpartisan, session of this Legislature and session of Congress where we start serving our parties best by serving our state and our country first.

God bless you. Thank you for allowing me to be here.

Senator Adler moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Ensign for his instructional message.

Motion carried unanimously.

The Committee on Escort escorted Representative Ensign to the bar of the Assembly.

Assemblywoman Lambert moved that the Joint Session be dissolved.

Motion carried unanimously.

Joint Session dissolved at 11:43 a.m.

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

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 65 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 4.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 4:

YEAS—42.

NAYS—None.

Assembly Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 17.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 17:

YEAS—42.

NAYS—None.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101.

Bill read third time.

Remarks by Assemblymen Koivisto, Gustavson, Ernaut, Carpenter and Anderson.

Roll call on Assembly Bill No. 101:

YEAS—42.

NAYS—None.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 124:

YEAS—42.

NAYS—None.

Assembly Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sharry Springmeyer Summers.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Desiree Leal.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Marieta Siqueira.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Adriana Carnales and Mary Henderson.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Groesbeck.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Mireia Cirera.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Kenneston.

Assemblyman Perkins moved that the Assembly adjourn until Monday, February 24, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:16 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), February 24, 1997

Assembly called to order at 11:20 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Randy S. Woodley.

O God, Great Creator, You have given us the privilege to pray. Whether it is in private or public, in a group or individually; whether we stand, sit, kneel, bow, prostrate ourselves or lift up our hands, we are confident that You see us and You hear us. We confess our need for You, O God. On this day we ask for Your guidance. Grant it Lord. Answer our prayers. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 130, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hettrick:

Assembly Bill No. 197—An Act relating to civil liability; limiting the civil liability of a person for injuries or death resulting from certain inherent risks of equine activities; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 198—An Act relating to the financing of school construction; increasing the limitation on the population of school districts

authorized to request the imposition of a tax on residential construction to construct, remodel and make additions to school buildings; increasing the maximum amount of such tax that may be imposed; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 199—An Act relating to arbitration; revising the provisions governing the grounds for vacating an arbitration award; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 200—An Act relating to emergency vehicles; allowing the privately owned vehicles of volunteer firemen to be designated as authorized emergency vehicles; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 201—An Act relating to municipal securities; extending the limitation on the maturity of certain municipal securities; revising the definitions of "municipality" and "municipal securities" to allow the state treasurer to make certain loans to a water authority organized as a political subdivision created by cooperative agreement; increasing the aggregate principal amount in which state securities may be issued to acquire municipal securities; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Krenzer, Arberry, Goldwater, Evans, Manendo, Ernaut, Perkins, Anderson, Bache, Buckley, Williams, Giunchigliani, Parks, Hettrick, Nolan, Price, Sandoval, Collins, Freeman, Braunlin, Koivisto, Gustavson, de Braga, Close, Amodei, Ohrenschall, Humke, Segerblom, Lee, Mortenson, Chowning, Von Tobel and Herrera:

Assembly Bill No. 202—An Act relating to public places; expanding the public places to which a service animal in training must be allowed entry; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Commerce.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 24, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 11.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 11.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblymen Freeman and Anderson.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 125.

Bill read third time.

Remarks by Assemblywoman Lambert.

Roll call on Assembly Bill No. 125:

YEAS—42.

NAYS—None.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 24, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 12.
Assemblyman Perkins moved the adoption of the resolution.
Remarks by Assemblyman Perkins.
Resolution adopted.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 57.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Zunino.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Hansen and Karen Rogers.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Fritz.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, February 26, 1997 at 11 a.m.
Motion carried.

Assembly adjourned at 11:46 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), February 26, 1997

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Randy S. Woodley.

Mighty God, King of Kings, Lord of Lords, Wonderful Counselor, Mighty Father, Ruler of the Nations, Bright and Shining Star. Hope of a better day is only found in You. May our lives be found in You O Lord, O God, our wisdom. You have said if we need wisdom we are only to ask and You will give wisdom liberally. We ask for wisdom for those You have placed in authority—for there is no authority except by which You have ordained. Our leaders need Your help to establish justice in the land. May it flow down like rivers of water. May righteousness and truth prevail in this state. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Joint Resolutions Nos. 2, 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 159; Assembly Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 24, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 7, 74, 75, 77, 81.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 4, 15, 17, 95, 96.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 4—Directing the Legislative Commission to conduct an interim study to continue the Legislature's review of the impact of competition in the generation, sale and transmission of electrical energy.

Assemblyman Bache moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Joint Resolution No. 1.

Assemblyman Perkins moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Marvel and de Braga:

Assembly Bill No. 203—An Act making an appropriation to the Sixth Judicial District for the establishment of a juvenile detention facility; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 204—An Act relating to taxation; providing for a study of the feasibility of consolidating the collection of taxes and fees within the Department of Taxation and of the cost of collecting taxes and fees on behalf of local governments; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 205—An Act relating to school buses; requiring seat belts in certain school buses; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Ohrenschall, Carpenter, Sandoval, Segerblom, Perkins, Anderson, Neighbors, Manendo, Price, de Braga and Hickey:

Assembly Bill No. 206—An Act relating to sex offenders; providing for a program to allow certain sex offenders in the custody of the department of prisons to participate voluntarily in treatment with medroxyprogesterone acetate; requiring the director of the department of prisons to adopt certain regulations concerning the program; providing for a study and a report to the legislature concerning the program; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Segerblom, Ohrenschall, Koivisto, Gustavson, de Braga, Manendo, Williams, Mortenson, Hettrick, Marvel, Goldwater, Hickey, Perkins, Lee, Nolan, Herrera, Parks, Von Tobel, Neighbors, Anderson, Price, Tiffany, Berman, Giunchigliani, Chowning, Freeman, Amodei, Carpenter and Bache:

Assembly Bill No. 207—An Act relating to public utilities; providing for the placement of additional services underground; providing additional means of financing placement underground; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 4.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 7.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 15.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 17.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 74.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 75.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 77.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 81.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 95.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 96.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 34.

Bill read second time and ordered to third reading.

Assembly Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 28.

Amend sec. 2, page 2, line 10, by deleting "*48 hours*" and inserting: "*3 business days*".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 8:

YEAS—42.

NAYS—None.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 26, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 13.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 13.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Smith, Barbara Clark and Malia Elliott.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Blado and Diana Tran.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Saitta.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, February 27, 1997 at 11 a.m., and that it do so in memory of Stella Lok.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), February 27, 1997

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Freeman, who was excused.

Prayer by the Chaplain, The Reverend Randy S. Woodley.

"Wadon Unuth la na hee." (Thank You Great Spirit who is beyond our understanding.) Show Your mercy to us, a pitiful people, for we are just human beings. When we see Your power, we are powerless. When we hear Your wisdom, we are foolish. When we observe Your wealth we are in poverty. Help us Creator to see with Your eyes, to hear with Your ears, to speak with Your tongue. We ask this in humility. "Wadon" (Thank You), You have shown us O God what is good and what is required of us all. To seek justice, to love mercy and to walk humbly with You, our God. You are good and Your loving kindness is everlasting. Your mercy endures forever. Grant that our hearts and our thoughts and our deeds may be at one with You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 164; Assembly Joint Resolution No. 33 of the 68th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 26, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 3, 4.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Giunchigliani, Carpenter, Goldwater, Lambert, Sandoval, Manendo, Arberry, Mortenson, Lee, Segerblom, Evans, Freeman, Bache, Krenzer, Chowning, Nolan, Koivisto, Anderson, Buckley,

Ohrenschall, Amodei, Close, Herrera, Parks, Cegavske, Williams, Berman, de Braga, Neighbors, Tiffany, Ernaut and Dini:

Assembly Joint Resolution No. 5—Proposing to amend the Nevada constitution to provide for limited annual legislative sessions.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4, and section 2 of article 4 of the constitution of the State of Nevada be amended to read respectively as follows:

Sec. 29A. The Legislature shall adjourn sine die each regular session not later than midnight in the Pacific standard time zone 60 calendar days following its commencement. Any legislative action taken in a regular session after midnight in the Pacific standard time zone on the 60th calendar day is void.

Sec. 2. The sessions of the Legislature shall be [biennial,] *annual,* and shall commence on the [3rd Monday of January next ensuing the election of members of the Assembly,] *first Monday of March,* unless the Governor of the State , [shall,] in the interim, [convene] *convenes* the Legislature by proclamation.

And be it further

RESOLVED, that section 12 of article 17 of the constitution of the State of Nevada be repealed.

TEXT OF REPEALED SECTION

Sec: 12. First biennial legislative session to commence in 1867. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter biennially, commencing on the first Monday of January.

Assemblyman Price moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 3.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Concurrent Resolution No. 4.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 159 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Williams, Ohrenschall, Segerblom, Carpenter, Tiffany, Hickey, Krenzer, Price, Sandoval, Mortenson, Collins, Chowning, Manendo, Hettrick, Perkins, de Braga, Marvel, Von Tobel, Amodei, Ernaut, Neighbors, Humke, Herrera, Goldwater, Giunchigliani, Arberry, Bache and Freeman:

Assembly Bill No. 208—An Act relating to alternative methods of resolving disputes; increasing the fees that are imposed for the filing of civil actions and responses thereto for the support of certain programs; providing for the establishment of neighborhood justice centers in certain additional counties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Anderson, Williams, Segerblom, Carpenter, Tiffany, Evans, Krenzer, Nolan, Price, Mortenson, Collins, Cegavske, Manendo, Hettrick, Perkins, Ernaut, Buckley, Berman, de Braga, Neighbors, Von Tobel, Ohrenschall, Humke, Amodei, Close, Herrera, Goldwater, Giunchigliani, Arberry, Bache, Lambert and Freeman:

Assembly Bill No. 209—An Act relating to motor vehicles; revising the period for the satisfaction of an outstanding security interest on a vehicle taken in trade or purchased by a licensed dealer; providing a period for the delivery of the title to such a vehicle to the licensed dealer; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Anderson and Humke:

Assembly Bill No. 210—An Act relating to criminal procedure; revising the provisions governing discovery in criminal cases; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Williams, Arberry, Herrera, Freeman, Ohrenschall, Bache, Carpenter, Amodei, Krenzer, Cegavske, Mortenson, Berman, Collins, Sandoval, Anderson, de Braga, Manendo, Tiffany, Ernaut, Goldwater, Perkins, Chowning, Buckley, Giunchigliani, Von Tobel, Hickey, Neighbors, Segerblom, Evans, Nolan, Price, Humke, Koivisto, Parks, Lambert, Lee, Dini and Braunlin:

Assembly Bill No. 211—An Act relating to check-cashing services; providing for the regulation and licensure of check-cashing services; prohibiting certain acts relating to check-cashing services; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 2.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 34 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Cegavske requested the following be entered in the Journal:

NEVADA'S YOUTH IN GOVERNMENT

By Diana Tran

With the presidential and state elections in 1992 and 1996, Nevadan youths were granted the opportunity to get involved in the political world. Instead of learning the principles in government books and campaign ads on television, Nevada's youth, including myself, experienced the excitement first hand. As part of our government assignment was the opportunity to earn extra credit and experience, Durango and other high school students volunteered at local campaign headquarters. Volunteering at campaign headquarters proved to the public how we care about our future. Such expressions of our opinion, taking public surveys, and informing the public on the candidate's issues are how we got involved.

Representing the youth's population in Nevada, volunteers told the candidate some of the issues that we care about. From the flaws in the school system to the lack of recreational programs, we expressed our opinions, concerns, and needs. Without the voice of the youth, the candidates would not know or be aware of the issues that affect us. If an issue is not addressed, no action can be taken.

Candidates just don't pick any issues they want. This is when surveying takes its action. The main source of democracy is the people. Thus, volunteers went out and knocked on doors and surveyed the public. From asking the public on the status of their life regarding the government influence to asking what their needs were, we recorded their valuable answers. From this survey, the candidates get a good idea of what issue to attack and make the public satisfied.

Once the candidate's platform has been formed and announced, volunteers went out and informed them on the important issues. We served as messengers for the candidate; we told the public what the candidate stands for and how the public could benefit if that candidate is elected. We could answer tough questions and effectively express the issues favorably.

When the public goes in the voting poll and votes for the candidate that we advertise for, we know that we have done our job. By voting, the public expresses their concern, and their voices are heard. When volunteering at political campaigns, we are taking action and getting involved in the government. We don't sit back and expect others to get things done. By expressing our concern on issues, taking surveys, and informing the public, we are taking actions in bettering the representation of Nevada's youth in Nevada and Washington.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolutions Nos. 11, 12.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to John Hunt.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Darrell Batson and Monteria Hightower.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Hauger.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Callie Gibson and Michelle Campbell.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 3, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:35 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 3, 1997

Assembly called to order at 11:40 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Our Heavenly Father, accept, I pray, our thanksgiving for the weekend that You gave to us for rest and worship. Now, I pray, Your blessings of strength and wisdom for the week ahead and the work that needs to be accomplished by these who have dedicated their talents and abilities to serve the people of this great State of Nevada. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 14, 68, 69, 122, 127 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Commerce.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 73, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 27, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 61, 62, 64, 66, 85, 88.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblywoman Freeman:

Assembly Concurrent Resolution No. 5—Designating the month of October as Nevada's Month for Children With Special Needs.

WHEREAS, The children of this state are its most precious resource; and

WHEREAS, Children with special needs are an integral part of our communities and make a valuable contribution to society as a whole; and

WHEREAS, The health and developmental concerns of children are more likely to become chronic and debilitating into adulthood if not addressed; and

WHEREAS, The family is the primary decision maker for children with special needs; and

WHEREAS, Anything that happens to one person in a family impacts the entire family and everything that happens to a family impacts the rest of the community; and

WHEREAS, Programs that serve children with special needs and their families have proven to be of significant benefit; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the month of October is hereby designated as Nevada's Month for Children With Special Needs; and be it further

RESOLVED, That the Nevada Legislature recognizes its responsibility to children with special needs and their families; and be it further

RESOLVED, That families and communities within the State of Nevada and local and state governmental agencies are hereby urged to observe the month by emphasizing and supporting a public awareness program on the importance of children with special needs and their families and by providing information concerning all locally available services and providers and facilities that provide such services; and be it further

RESOLVED, That the Division of Child and Family Services, the Health Division and the Welfare Division of the Department of Human Resources, the Department of Education and the Early Intervention Interagency Coordinating Council shall provide such technical assistance as may be necessary to disseminate this information; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Director of the Department of Human Resources, the Superintendent of Public Instruction and the Chairman of the Early Intervention Interagency Coordinating Council.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hettrick:

Assembly Bill No. 212—An Act relating to wages; revising the provisions governing the conditions under which compensation for overtime must be paid; providing that the provisions regarding compensation for overtime are applicable to employees paid an hourly wage that is equal to or greater than one and one-half times the minimum wage; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 61.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 62.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 64.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 66.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 85.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 88.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 164.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 33 of the 68th Session.
Resolution read second time and ordered to third reading.

Assemblywoman Freeman moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.
Madam Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 34, 130; Assembly Joint Resolutions Nos. 1, 2, 4, be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assemblywoman Freeman moved that Assembly Bill No. 156 be re-referred to the Committee on Commerce.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Curtis.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Larson and Eunice Frost.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Johann Meyer and Jean Newman.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Ethel Burks and Barbara Clark.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ricky Rice.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Mueller.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Judi Linn.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Padgham and Felecia Dorchuck.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jamilla Morley and Kinderland Nursery School, Mrs. Donald McFadden, Malah McFadden, Joyce Stroup, Shelley Friedman, Karen Ochoa, Adam Beguchi, Ashley Hannah, Austin Snow, Brian Barnes, C.J. Bower, Carson McFadden, Chandler Curry, Collin Grischett, Davey Charles, Dominic Mariani, Dylan Martin, Emily Linnell, Emily Robertson, Evan Zemp, Gabrielle Garett, Halee Ackerman, Haley Hannah, Hanna Tatro, Ian Gunn, Jared Zaro, Jessie Snyder, Jill Stroup, Joseph May, Joshua Rousseau, Julianne King, Krista Baumgartner, Marcella Watson, Mariah Martinez, Megan Coca, Michael Smith, Nathanial Willis-McCreary, Riley Borg, Robert Suwe, Ryan Swain, Sarah Colegrove, Shelby Jackson, Spencer Croskery, Stefan Davis, Steven Carlson, Susan White, Timmy Whited, Whitney Nash and Seth White.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Kaplan and Lorraine Gingras.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Roseanne Bennett, Eddie Giron and Ryan Giron.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Fletcher.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Cassandra Bell and David Linn.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Dickens.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Verlene Chiodini.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Vertner, Amanda Vertner and Brenda Ralston.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen Zahrt, Robin Blair, and Lovelock Middle School; Irma Aboytes, Kasee Arnold, Shawna Berger, Justine Bloxham, Emilee Brooks, Jesse Canchola, Christina Carroll, Olivia Fernandez, Olga Gonzalez, Kelly Happy, Fernando Hernandez, Matt Jones, Jennifer Lee, Shana Lewis, Cody Jensen, Melody Reeser, David Rubles, Ann Marie Shank, Doug Smith, Nicole Tyler, Robert Vasquez, Kristina Witherspoon, Anne Zuwala, Jared York, Holly Ackerman, Brian Allen, Sara Anderson, Ada Arnold, Cheri Belanger, Andrew Best, Neetra Childs, Sarah Combs, Bridget Coughlin, Ramon Hernandez, Jesse Kiel, Augustin Lopez, Natalia Montes, Steven Montes, Denise Murphy, Alix O'Neil, Tiffany Rector, Scott Reynolds, Tracy Robles, Amanda Schauer, Jeremy Price, Serena Wewa, C. J. Wilcox, Mimi Hiibel, Stephanie Miller, Mike Angel, Omar Beltran, Michelle Carpenter, Jesus Cholico, Lisa Christofferson, Gina Dominguez, Amanda Fitzpatrick, Salvador Galindo, Adrian Garcia, Michael Gillis, Edgar Jimenez, Hiram Knight, Shaun McIntee, Jamie Meissner, Jordan Pontius, Alecia Collins, Jaime Rosas, Breana Speer, Travis Swindlehurst, Jennifer Ward and Kristian Whitehead.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Blake.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Ruben Murillo.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Rosch.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Theodore Small and Cynthia Knew.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Lyndi Cooper-Schroeder.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie McNay.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Little.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Marie Gingras.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Russce White and Greta Peay.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, March 5, 1997 at 10:45 a.m., and that it do so in memory of Chester S. "Chet" Christensen and Marjorie Ann Russell.

Motion carried.

Assembly adjourned at 12:30 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 5, 1997

Assembly called to order at 10:55 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ernaut, who was excused.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Our Heavenly Father, You have taught us in Your word that this is the day You have made and we are to rejoice and be glad in it. Yesterday is history. Tomorrow is but a hope. Thank You that we have today to serve You and our fellow man. As Chaplain, today, I pray Your special blessings both professional and personal on these ladies and gentlemen who serve the State of Nevada both in these chambers and the many hours beyond the walls of this room in order to continue to make our state a wonderful place to work, play, raise our families and to worship You, our Lord and our God. Thank You for all You have done and are doing in our lives. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen de Braga and Marvel to invite the Senate to meet in Joint Session with the Assembly to hear a message from Chief Justice of the Nevada Supreme Court, Miriam Shearing.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 60, 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Education.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 189, 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 39, 79, 141, 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 44 be re-referred to the Committee on Education.

Motion carried.

Assemblyman Bache moved that Assembly Bills Nos. 14, 68, be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 3, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 65, 124.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 42, 44, 50, 63.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 8, 9.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 2.

Resolution read.

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

Amendment No. 35.

Amend the resolution, page 2, line 3, by deleting "low-income".

Amend the resolution, page 2, line 4, after "households" by inserting: "which have low and moderate levels of income".

Amend the resolution, page 2, line 18, by deleting: "low-income residents" and inserting: "residents that have low and moderate levels of income".

Amend the preamble of the resolution, page 1, line 2, by deleting "of low" and inserting: "that have low and moderate levels of".

Amend the title of the resolution, second line, by deleting "of low" and inserting: "that have low and moderate levels of".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Senate Concurrent Resolution No. 8.

Assemblyman Perkins moved that the resolution be referred to the Committee on Education.

Motion carried.

Senate Concurrent Resolution No. 9.

Assemblyman Perkins moved that the resolution be referred to the Committee on Education.

Motion carried.

The Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:06 a.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Regan, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Ernaut, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Washington and Assemblywoman Giunchigliani to wait upon the Justices of the Nevada Supreme Court and escort them to the Assembly Chamber.

The Committee on Escort in company with the Justices of the Nevada Supreme Court appeared before the bar of the Assembly.

The President of the Senate appointed a Committee on Escort consisting of Senator James and Assemblywoman Buckley to wait upon Miriam Shearing, Chief Justice of the Nevada Supreme Court and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Miriam Shearing, Chief Justice of the Nevada Supreme Court appeared before the bar of the Assembly.

The Committee on Escort escorted Chief Justice Shearing to the rostrum.

The Speaker of the Assembly welcomed Chief Justice Shearing and invited her to deliver her message.

Chief Justice Shearing delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SIXTY-NINTH SESSION, 1997

Mr. President, Mr. Speaker, members of our legislature, colleagues, and fellow Nevadans. Thank you very much for this opportunity to speak to you to fill you in on what has been happening in the judiciary of our state.

Before I begin my speech, I'm sad to announce that Justice John Mowbray died this morning at 4:00 a.m. at Desert Springs Hospital. He served the citizens of Nevada on the Supreme Court for 26 years and before that on the district court in Clark County. Funeral services will be at 11 a.m. on Saturday. I ask for a minute of silence for one of our dedicated public servants.

Senator Pat McCarran, who served on the Nevada Supreme Court from 1913 to 1918, stated, "There is no place on earth that constitutes so fine a political burial ground, as the bench." In the last couple of years, I have been wondering where that elusive burial ground went as we have continued to make political headlines. But the headlines seem to emphasize the negative and don't usually give an accurate or complete picture of what is really happening in our judicial system. That's why I appreciate this opportunity to talk to you about our judicial

system, its problems, and the steps the lawyers and judges are taking to improve the service to the citizens of Nevada.

For those of you who are new to our justice system, I'd like to give you a brief overview of our judiciary. In giving that overview, it is interesting to note that, even though we are a relatively new state, the core responsibility of our branch of government, the judiciary, has not changed since the writing of the Magna Carta almost 800 years ago. The Magna Carta states, "All courts shall be open; every person for an injury done to him, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay." It sounds as relevant today as it did in 1215, which indicates that there is a deep and long-standing social and political consensus as to what the people expect of the justice system.

The courts that most Nevadans see are the justice courts because they handle traffic offenses, misdemeanors, small claims and evictions, as well as preliminary hearings on felonies and civil matters in which up to $7,500 is in issue. Each township has a justice of the peace, and the larger townships like Las Vegas and Reno have more than one. Nevada has 56 justice courts, with a total of 67 justices of the peace.

In the population centers where felony cases are a major part of the caseload, the judges are attorneys, but in most of the state the justices of the peace are not attorneys. That does not mean that they don't have legal training. We are fortunate to have the National Judicial College in Nevada so that our Nevada judges have the opportunity to gain judicial education relatively conveniently and inexpensively. Recently, I had the privilege of giving education awards to a great many of the JPs, each of whom had completed hundreds of hours at the Judicial College.

Except for the preliminary hearings on felonies, the vast majority of cases in justice court require the judge to deal directly with the people, not through attorneys. That makes justice court particularly challenging because the judges don't have assistance from attorneys and, in order to do justice, the judge must often take a more active role in the proceedings. I have always considered the justice courts particularly important because it is the only court that the vast majority of our citizens ever experience.

Municipal judges also have a high volume because they process the traffic offenses and misdemeanors within the cities and the violation of city ordinances. They also deal directly with the people for the most part. We have 18 municipal courts with 29 judges, some of whom double as JPs.

Everything that is not specifically assigned to the justice and municipal courts goes to the district courts. We have nine judicial district courts with a total of 48 district judges. The district court is the general jurisdiction trial court. On the criminal side, the district court judges are responsible for felony proceedings including trials, pleas, and sentencing, as well as hearing petitions for habeas corpus and other post-conviction petitions. All jury trials, both criminal and civil take place in district court.

On the civil side, the district courts process every type of civil litigation that people file as long as the value is over $7,500. That includes cases involving personal injury; contracts; real estate; corporations; review of agency decisions; homeowner association disputes; and anything else about which people decide to sue. Most of the district courts also process family matters like divorces; child custody disputes; paternity actions; child support; and juvenile matters. However, in Washoe and Clark counties there is a family court which was formed for the specific purpose of dealing with family law matters. Eight of the district court judges in Clark County and one in Washoe County are specifically designated family court judges.

That brings me to the Nevada Supreme Court which is responsible for appeals from district court judgments and some original proceedings, such as petitions for writs of prohibition or mandate. On appeals, the Supreme Court does not receive any evidence or testimony, but only reviews the record in the trial court to see if the proceedings were proper and the decisions legally sound. We also receive petitions for writs which are usually asking us to order either the court or some government agency to follow the law. The published Supreme Court opinions interpreting statutes or rules, ruling on constitutionality, or determining what the

common law is where the legislature hasn't spoken, set the policy for the state until you in the legislature decide to change it.

The other element of our judicial system is the officers of the court—the attorneys. The Nevada State Bar has 4,194 attorneys in active practice. The State Bar, as well as the judges, are very concerned with the quality of law practice in Nevada. The State Bar conducts the written examinations and background investigations of attorneys applying for admission to practice in Nevada and also conducts the discipline proceedings against attorneys who are accused of ethical violations. The Bar also sponsors numerous continuing education seminars for attorneys throughout the year.

Of particular concern to all of us is the quality of representation in criminal cases, especially in death penalty cases. Those cases get intensive review, not only in our court, but also in the federal courts. It is very wasteful of all of our resources if the trials are not conducted fairly and effectively in the first place, because it just means that retrials are necessary. I don't know how we can increase the quality of representation in these cases, but at a minimum, I believe we must have more mandatory education. It might also help if the level of compensation for the court-appointed attorneys was higher. Law office overhead is very high, and many of our best attorneys opt out of representing indigent defendants because the hours of commitment are high and the level of compensation is too low to even support the office. Attorneys are willing and do provide much free service, but death penalty cases are so all-consuming that if they do those for free or minimal compensation, they are very soon out of business.

As you know, most costs are rising, and that includes the cost of being in court. One of the concerns of both the lawyers and judges has been access to our courts. We can have the best legal system in the world, but if people can't afford to use it—can't afford to get their day in court—it is a failure. One approach that has been taken in recent years to help people to resolve their disputes inexpensively is to divert them from the courts.

Pursuant to enabling legislation that you passed in 1991, the Neighborhood Justice Center was established in Clark County. I am particularly impressed with the effectiveness and efficiency with which disputes are resolved there. Thousands of cases have been referred from justice courts and successfully resolved, not only relieving the courts, but also empowering people to solve their own problems. The center trains volunteer mediators who have donated thousands of hours in helping people resolve their own disputes in a peaceful, and often resourceful, manner. Of course, this also saves the people the costs, frustrations, and time of going to court as well as achieving a level of satisfaction that is often not possible in the courts. People can agree to many creative solutions to problems which the courts would not have the power to order. We all also benefit when disputes are peaceably resolved and do not escalate, perhaps preventing acts of vandalism or personal injury.

One of the most impressive programs of the Neighborhood Justice Center, and valuable in the long run, is the school peer mediation program in which students are taught how to effectively help peacefully resolve conflicts before they escalate. This has great potential to deterring violence in our schools and eventually in our communities. The peer mediation program has also assisted in the truancy prevention program in Clark County.

However, not all disputes can be resolved without court intervention. Protective orders, divorces, and bankruptcies must be handled in court and have many legal ramifications which require the assistance of an attorney. Yet many people simply cannot afford to hire an attorney. Out of this need to serve people with limited means, attorneys have instituted a number of programs to provide free or low cost legal services to those who cannot afford to pay a lawyer.

One type of program that county bar associations have instituted are pro bono projects in which referrals are made to attorneys who have agreed to provide legal services at little or no cost. The attorney's time is donated. In each of the pro bono projects throughout the state, family matters such as divorce, child custody and protective orders were the majority of the needs addressed. In the Clark County pro bono project, over 8,500 clients were served in 1996 and 95 percent of those were on domestic matters. The Volunteer Lawyers of Washoe County reported that 80 percent of their clients were the victims of domestic violence. Despite the

stellar efforts of the attorneys in these volunteer programs, the need is greater than the availability of services.

In 1994, the State Bar commissioned a Nevada Legal Needs Study in order to assist it in carrying out its mission to ensure reasonable access to the legal/judicial system for low- and moderate-income families. The study reported that approximately 108,000 households experienced at least one legal problem for which legal assistance was needed in the past five years. Low-income households experienced legal-related problems or needs more often than moderate-income households, especially in the basic needs areas of housing, employment, bankruptcy, and health care. Some households reported as many as 18 legal problems; the mean was 2.6 in five years. Sixty percent of these households had no legal help of any kind to resolve their problems.

Some of the reasons they did not look for legal help were that they thought it would be too expensive; they feared retaliation; they feared being turned down for legal aid; they didn't realize they had a legal problem; or they just didn't know where to turn. The survey revealed that most were not aware of the existence or availability of free or low-cost services. Overall, the types of legal needs relate to financial matters—consumer problems, housing problems, and employment problems were the leading areas where assistance was needed.

As a result of this study and the recommendation of the State Bar, last year the Supreme Court adopted a rule asking that each lawyer provide a minimum of 20 hours each year of professional service without a fee or 60 hours at reduced fee levels to persons of limited means or contribute $500 to an organization providing free legal service. The Court also ordered the chief judge in each judicial district to appoint a pro bono committee to determine and address the specific unmet legal needs of that jurisdiction. The Court and Bar hope to make legal services available to those Nevadans who cannot otherwise afford them and to expand the present pro bono programs.

Each of the districts has complied with the order to establish a committee, but the outstanding work accomplished by the Washoe County committee chaired by Judge Connie Steinheimer is particularly noteworthy. The committee conducted research and investigation into the unmet legal needs of Washoe County residents and found that the most critical legal problems were, first, family law problems, including domestic violence, abuse and neglect, child support, custody, and divorce. The second most frequent problems were in the area of housing law, including landlord/tenant matters, discrimination, home ownership, and availability of affordable housing. The third most frequent problems related to income and financial matters, including credit, bankruptcy, consumer cases such as auto repair and home improvement matters, and access to government benefits.

To meet these unmet needs, the committee has formed the Washoe County Access to Justice Foundation which will raise money for, and actively promote the provision of civil legal services to disadvantaged persons and households. The foundation will also provide leadership in accessing and developing new sources of funding to support and expand the provision of civil legal services to the poor and develop and support initiatives to increase equal access to justice. There is an increasing deficit in legal services because of the continuing growth of the low -and moderate-income communities and decreasing federal funding for civil legal services. Therefore, this effort by the Washoe County legal community is wholeheartedly welcomed by those now struggling to meet the legal needs of the community.

And there are those organizations that have been valiantly struggling to help. Despite a drastic cut in federal funding, Nevada Legal Services last year completed 6,800 cases involving approximately 17,000 people in its priority areas of housing and public benefits. Clark County Legal services completed 1,427 cases involving approximately 3,000 individuals in its priority areas of consumer problems, Social Security, and civil rights. Yet according to the last census, there were 119,000 Nevadans below the poverty line, which has to mean that there are many unmet needs.

Because of the severe funding limitations, both the staffed legal service organizations and the pro bono projects have been forced to narrow and limit their focus on the most desperate needs of clients. Consumer law problems have been virtually untouched and immigration

representation is virtually non-existent, leaving immigration clients easy prey for people who purport to be able to help, but do not; they just take their money and produce no results. Affordable housing will continue to be an intractable problem caused by the unrelenting population growth of the state. I hope that some of the initiatives by the Access to Justice Committees can help.

Meanwhile we have other programs that assist our citizens. Both Clark and Washoe counties have senior citizens law projects. We are all aware of the dramatic increase in the number of senior citizens living in Nevada. The over-85-year-olds are the fastest-growing segment of the population. The southern Nevada program sponsored by the City of Las Vegas each year serves approximately 5,000 persons over 60 years of age free of charge and the Washoe County project assists about 1,500 clients. Both programs provide assistance in preparing wills, assisting in small claims court, assisting with Social Security, estate planning and consumer problems. Both programs also provide service to home-bound and nursing home residents.

Another program for providing free volunteer legal services is starting in Clark County specifically to meet the needs of children involved in the legal system. This is the guardianship attorneys program aimed at advocating for the neglected and abused children in the custody of the county or state, the children involved in disputed child custody cases, and those children caught up in delinquency proceedings who really are in need of professional treatment. Having served as juvenile court judge, I know that many of the children need help in seeing that their interests are considered rather than being a pawn in some adult's agenda.

I know that we've all heard, and probably told, attorney jokes. In fact, I think I've even heard some reference to them in this legislature's committee hearings. But I want you to know that you have reason to be proud of Nevada attorneys. They have donated countless hours and their professional skills to help the less fortunate in Nevada.

The Young Lawyers Section of the Nevada Bar is particularly to be commended for its action during the recent flood. They immediately organized a training program for lawyers so that they could provide legal assistance to those who were victimized by the flood. The program was even taped and used to train northern California attorneys in the rural areas that were devastated by the floods; most of the California attorneys had no knowledge of how to gain Federal Emergency Management Agency (FEMA) assistance. The Nevada Young Lawyers set up stations at emergency shelters and gave free advice to Nevada flood victims on insurance coverage, on FEMA funds availability, and on all kinds of associated problems like whether they had to pay rent or were responsible for damage.

There are other ways in which our lawyers are helping our communities. The Clark County Bar Association has established a trial by peers program which diverts cases from the juvenile courts and allows some juvenile offenders to be tried and sentenced by their peers. Volunteer attorneys introduce young people to the justice system by providing an eight-week training course to students who then serve as prosecutors, defense attorneys, judges, and jurors. The type of cases they hear are the less severe offenses like petty larcenies and vandalism. You may not be surprised to hear that the sentences that the students give are more severe than those in juvenile court. Even if a juvenile is found not guilty, he or she must then return for jury service. The education provided is invaluable and the recidivism rate from this program is phenomenal—only one student has reoffended!

Lawyers and judges throughout the state conduct mock trials in both grade and high schools. The trial of Goldilocks is a big hit! We believe that it is vital that our young people understand our legal system and can appreciate the protections and opportunities that it affords.

Both the Washoe and Clark County bar associations conduct special programs at public places like malls on May 1, which is Law Day, giving free legal advice and publicizing the free legal services which are available. This year the Clark County Bar is going to do something different by donating services to build a house in conjunction with Habitat for Humanity. Judges, lawyers, and many others in the legal system have volunteered to help build the house. The lawyers have also raised money and secured contractors and vendors to commit time, products, and equipment toward the house.

I've only discussed the activities that have been officially sponsored by our lawyers' organizations, but I'm sure you know that the contribution of our lawyers to other community activities is considerable in both time and money. I hope you are as proud of the contribution made by our Nevada attorneys as I am.

Another aspect of insuring that our Nevada citizens receive the benefits of our system of justice is to assure that everyone receives fair treatment in our courts regardless of race, religion, gender, or economic status. In 1993 the Supreme Court established a task force for the study of racial and economic bias in our justice system. This effort was funded at the last session of the legislature. A number of public hearings have been conducted throughout the state and studies have been conducted by both UNLV and UNR on various aspects of our justice system. A preliminary report has been received from UNLV in which the faculty collected and analyzed empirical data from the public and state and local justice-related agencies. The initial findings from the study suggest that significant racial and economic inequalities do exist in Nevada's justice system.

When the final reports are issued we plan to review the results and recommendations and take appropriate action. I would suspect that education programs will be needed for those working in our justice system to make them aware of how they may be discriminating and help them to remedy the problems. We all believe that we make decisions based on principle, not prejudice, but often we don't even recognize our own prejudices until they're pointed out to us. I hope to incorporate into any education program the recommendations from the earlier gender bias task force as well as the recommendations of the current task force.

On a happier note, on May 8, 9, and 10 of this year, Nevada is hosting the ninth annual meeting of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts. Nevada representatives will be actively participating in the programs as well as gaining ideas and information from the experience in other states. I know that a number of chief justices from around the country will be attending.

I have received reports from judges throughout the state and some common themes emerge. The rural justice and municipal courts are particularly impressed with the possibilities now open to them with technological advances.

Being able to conduct arraignments by video can result in many savings. Often the jails are many miles from the courtrooms. For example, Dayton Justice Court is 54 miles from the jail. By installing video equipment in the jails and courts, the county is able to cut down on time, transportation costs, and attendant security risks. In Lyon County, all four of the Lyon County justice courtrooms are being equipped with cameras and terminals so certain hearings can be conducted without the necessity of transporting prisoners.

On the other hand, many of the rural courts cannot afford to take advantage of the tremendous strides being made in technology which can make every aspect of running the courts easier and more efficient. I believe all courts now have computers, but many are old, outdated or on their last legs. Computers are not only important for sharing information, but also to improve efficiency in tracking records and accounts receivable.

The big project that the Administrative Office of the Courts is now undertaking is to tie in the various computers in the state with each other, with the Department of Motor Vehicles, and the criminal justice information repository. For too long offenders could get away with multiple offenses without having to pay. A person could be convicted of a DUI in one township or county and be convicted of another DUI in another area. The second judge would not know of the first conviction and would treat the second conviction as a first offense. Similarly, warrants would be issued in one jurisdiction and when the offender was in court in another jurisdiction and he might be released on his own recognizance because the judge was unaware of the warrant. Temporary restraining orders in domestic violence cases are also another source of problems across jurisdictions.

The availability of information has been on a hit-or-miss basis. The technology is now available that those scenarios shouldn't happen. Actually, the technology has been available for a long time, but we in government often lag behind in taking advantage of technological advances because we don't have the flexibility in financing. It is to be hoped that in the near

future all criminal justice information will be immediately available to all courts throughout the state. I would think we will also be able to save more of our trees by communicating electronically instead of on paper.

All of the justice and municipal courts have programs to increase the rate of collection of fines. Various methods are being used, including using collection agencies; adding marshals; allowing credit card payments (even by telephone); mailing notices before issuing warrants; hiring a judicial enforcement officer to monitor payments; and just plain hard-line judicial enforcement.

Of course, not everyone can afford to pay fines and most courts have alternative work programs. Many thousands of man-hours are contributed by offenders throughout the state on beautification, cleanup, and other civic projects. In Carson City alone, last year 920 people contributed 24,380 hours of community service. Even in the less populated area of the Argenta township in Lander County, thousands of hours were donated to the community. The Las Vegas Municipal Court reports that $2,000,000 worth of labor was contributed by defendants!

One option that most justice and municipal judges use in sentencing defendants are counseling programs. They require counseling in lieu of, or in addition to, a fine or jail for certain offenses. Drug and alcohol counseling programs are particularly popular and effective. In Dayton, 90 percent of DUI defendants are ordered into drug or alcohol counseling for one to three years, with strict requirements and close monitoring. The results have been excellent. In Moapa Valley Township the number of DUIs have been reduced by 50 percent and the number of repeat offenders by 90 percent by a combination of tough sentencing and required treatment.

Las Vegas Municipal Court has the most diversion programs for various types of offenses. The philosophy of the Las Vegas Court has been to divert, when appropriate, first- and second-time non-violent misdemeanants to self-funded diversionary programs in lieu of high fines and jail sentences, in the hopes that long-term solutions to problems can be found. The court's traffic school processes 27,000 violators each year, and in 1996, for the third year in a row, the National Safety Council has presented its "Best Performance" award in the category of state, municipal, and county governments to Las Vegas Municipal Court Traffic School.

In Las Vegas Municipal Court, domestic violence offenders are ordered to the court's domestic violence program. A recent study has shown that the recidivism rate for those who completed the program was 8.4 percent, while the rate for those who did not complete the program was 20 percent.

Las Vegas also has an evaluation center for those who have committed offenses while using drugs or alcohol. The center provides treatment recommendations for their substance abuse. A study of 1,090 clients revealed that 82 percent had not reoffended. Of the offenders who completed the court's DUI program, only 7.6 percent had a subsequent DUI.

Las Vegas Municipal Court has always been in the forefront in taking advantage of technological advances, so that that court is able to generate statistics that are not feasible for many courts. Of course, the access to services is hindered in the rural townships by the great distances one must travel to obtain services. For example, in Austin, the nearest counseling for domestic violence is 90 miles away. An effective program must be closer to home. We're hoping to develop one soon.

One request that many municipal and justice courts in rural areas have made is that they have some access to the probation department. Alternative sentencing, in other words, not just fines and incarceration, requires monitoring, and most of the small courts do not have the resources or staff to do effective monitoring. The Carson City courts have in effect created their own mini-probation department, but most townships cannot afford to do that. Many of the diversion programs are effective in providing a long-term solution to problems rather than just a quick fix, but monitoring is necessary for their success.

The district courts report a steady increase in case filings. The area that seems to be increasing at the greatest rate is family law. Perhaps part of that is due to the increased emphasis on preventing domestic violence and increasing child support collection, but even basic custody disputes seem to be increasing. Perhaps fathers are seeking to take a more active

role in their children's lives rather than leaving everything to the mother as happened previously.

Of course, I'm sure you have heard that the greatest growth has been in Clark County. In addition to the approximately 1,120,000 residents served, the 2.5 million visitors each month also have an impact on the justice system. In 1996, 55,903 cases were filed, resulting in 2,541 cases per judge. This is about twice what is nationally recommended. The prospect of litigating all those cases by traditional means is more than enough incentive for creativity.

Part of the solution has been to use the services of masters to hear specialized kinds of matters like discovery, paternity, child support, juvenile delinquency, and mental commitments. Also, Clark County has gone for greater specialization, dividing into civil and criminal courts. Clark County has also made extensive use of alternate dispute resolution. Last year, 4,248 civil cases were diverted to alternate dispute resolution. One diversion program that has been particularly effective has been the drug court. Drug addicts are taken out of the criminal system and put into a treatment program lasting one year with regular testing and court appearances required. There are presently 850 addicts in the program. The drug court has had 588 graduates and only 52 have been arrested on any charge. As any of you know who have dealt with drug addicts, that is an extremely low rate of recidivism. The best reward for Judge Lehman who started the drug court in Las Vegas is the number of graduates who have come up to him and thanked him for changing their lives and saving their families.

Based on the success of the adult drug court, a drug court has also been started for juveniles in Clark County. It's even more important that we succeed with our youth. In Washoe County, a drug court is also in operation in the adult as well as in the family court for adults and juveniles. In Washoe County, the family court drug court is specifically addressing the needs of addicted women with children who invariably face almost insurmountable problems relating to housing, employment, child care, in addition to their addiction. One judge described this program as "wildly successful."

The Washoe County Family Court has been particularly successful with its mandatory settlement program in domestic actions, including divorces. Ninety percent of the 8,032 cases are settled. About three out of four child custody disputes are successfully mediated.

Both Clark and Washoe counties have excellent Court Appointed Special Advocate or CASA programs in which highly-trained volunteers represent the interests of children who are abused or neglected or who are caught in nasty custody disputes.

In the family courts in Clark and Washoe counties and in the other counties that do not have family courts, the biggest increase in case filings is in protection orders against domestic violence. Thousands are issued annually throughout the state and many more thousands inquire about them at our courts. That shows that this legislature was filling a real need when it passed the legislation authorizing the courts to issue the protection orders.

Despite the increasing caseloads and the multitude of problems in Clark and Washoe counties, the judges there are lucky because they have greater resources and some flexibility in meeting problems. I'd like to see a justice center in Las Vegas, but I don't envy Judge Papez who has to sit in courthouses in White Pine and Lincoln counties with no central heat or air conditioning. There are window coolers and heaters, but they are so noisy they have to be turned off when court is in session. Neither do the rural judges have some of the services available in the bigger cities to help defendants, victims, and the communities. On the other hand, in the communities where everyone knows everyone else, the community pressure can be a major deterrent to committing crimes. One of the judges in a rural area commented on how parents are willing to endure unbelievable commutes to work just to be able to raise their children in the small town environment.

The courts are constantly seeking ways to improve their delivery of services and the efficiency of operations. The Clark County Family Court has contracted for an organizational and workflow analysis as a step toward developing changes directed at expediting and facilitating early and lasting resolution of domestic disputes. However, the very nature of our role precludes a mass production or assembly line approach. Each case must be processed, heard, and decided individually. Criminal trials, child custody issues, and the myriad of other

types of cases cannot be decided by formulae. Justice has to be tailor-made to fit each case. Justice cannot be sacrificed in the name of efficiency.

The Clark County District Court has contracted for assistance in developing a more advanced and efficient juror summons and management system. I regard our jurors as one of the greatest resources we have and some of our greatest advocates. Jurors have gotten a bad rap in recent years because of some highly publicized cases, but I respect jurors. We have hundreds of regular citizens serving as jurors in this state. Sometimes they come in very reluctantly and with a very negative attitude toward either our courts or the defendants or the prosecutors. My experience has been that even when they come in with attitudes, they still take their duties very seriously, deliberate honestly and reach a fair verdict. I found that most regard jury service as an overall favorable experience. They come to realize how carefully we try to protect the rights of the individuals and how meticulously evidence is presented. Many jurors have commented to me what a valuable experience jury service was and how their respect for our system has increased.

I haven't talked to you about the problems and proposed changes for the Nevada Supreme Court because I'm sure you'll be hearing about them in the Finance and Judiciary Committees. I'll just say that for the first time we've tried to present a comprehensive plan which will allow us to provide the necessary service to the citizens of Nevada in a timely and efficient manner. It hasn't been easy. As my learned colleague, Justice Young, reminded us the other day, "When you're up to your waist in alligators, it's tough to start planning how to drain the swamp." I've tried to give you an overview of how our justice system is serving the citizens of Nevada and how we are constantly trying to improve our service, with an ever-increasing workload and sometimes with inadequate resources. The vast majority of the lawyers and judges of our state are dedicated to serving the citizens of Nevada and are trying to make our justice system work ever better. I hope we, in our separate branches of government, can work together to achieve that goal.

United States Supreme Court Chief Justice Warren Burger said, "Ideas, ideals and great conceptions are vital to a system of justice, but it must have more than that—there must be delivery and execution. Concepts of justice must have hands and feet or they remain sterile abstractions. The hands and feet we need are efficient means and methods to carry out justice in every case in the shortest possible time and at the lowest cost. This is the challenge to every lawyer and judge in America."

The lawyers and judges of Nevada are doing their best to meet that challenge. Thank you for the opportunity to tell you about it.

Senator O'Connell moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Shearing for her timely message.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Shearing to the bar of the Assembly.

Senator Shaffer moved that the Joint Session be dissolved.

Motion carried unanimously.

Joint Session dissolved at 12 noon.

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

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:04 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 213—An Act relating to public purchasing; raising the threshold for requiring formal contracts for purchases by the state; revising the considerations for determining the lowest responsible bidder on such contracts; revising provisions governing appeals by unsuccessful bidders; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 214—An Act relating to public records; limiting the amount of a fee that a public agency may charge for providing a copy of a public record in certain circumstances; requiring a public agency to provide copies of public records in the medium requested; authorizing a public agency to charge additional fees or waive fees for copies of public records in certain circumstances; establishing a study to determine the effect of certain provisions of this act on public agencies; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 215—An Act relating to the department of motor vehicles and public safety; authorizing under certain circumstances the release of personal information that is contained in the files and records of the department of motor vehicles and public safety for use in research activities and bulk distributions; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 216—An Act making an appropriation to the Department of Prisons for the purchase of vehicles and necessary special equipment for vehicles for Prison Number 7; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 217—An Act making an appropriation to the Department of Prisons for the expansion of the Jean Conservation Camp; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 218—An Act making an appropriation to the Department of Prisons for the expenses relating to the expansion and conversion of the Nevada Women's Correctional Center to house male prisoners; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 219—An Act making an appropriation to the Division of Agriculture of the Department of Business and Industry for equipment and repairs for the Weights and Measures Program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 220—An Act making an appropriation to the Department of Prisons for equipment, supplies and the relocation of staff to open Phase II of the Lovelock Correctional Center; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 221—An Act making an appropriation to the State Gaming Control Board for various equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 222—An Act making an appropriation to the Department of Taxation for the development and implementation of computer networks and for the purchase of a modular furniture system; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 223—An Act making a supplemental appropriation to the Department of Taxation for additional operating and information services costs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 224—An Act relating to state financial administration; authorizing loans of money to local governments from the fund to stabilize the operation of the state government under certain circumstances; providing for the proportional matching funding for disaster assistance grants made by the Federal Emergency Management Agency; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 225—An Act making an appropriation for repairs and improvements on the South Fork Dam, channel clearance of Carson River, work on Mason Valley Refuge and flood control projects by the Division of Water Resources of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 226—An Act making an appropriation for the purchase of vehicles for the State Fire Marshal Division of the Department of Motor Vehicles and Public Safety; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 227—An Act making an appropriation for the purchase of vehicles, computer hardware and other equipment for the Investigation Division of the Department of Motor Vehicles and Public Safety; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 228—An Act making an appropriation to the Department of Motor Vehicles and Public Safety for the computer laboratory of the Peace Officers' Standards and Training Committee; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 229—An Act making an appropriation to the Department of Motor Vehicles and Public Safety for equipment and training for the Capitol Police; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 230—An Act making a supplemental appropriation to the Commission on Economic Development for the additional costs of the

"Train Employees Now" program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 231—An Act making a supplemental appropriation from the state highway fund to the Hearings Office of the Department of Motor Vehicles and Public Safety for the additional costs of salaries and witness fees; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 232—An Act making a supplemental appropriation to the Department of Prisons for the costs to board offenders out of state; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 233—An Act making an appropriation to the Motor Pool Division of the Department of Administration for the purchase of additional vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 234—An Act making an appropriation to the State Council on the Arts of the Department of Museums, Library and Arts for the purchase of works of art for certain public buildings; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 235—An Act making an appropriation to the Administrative Office of the Courts for a computer link between the courts

and the Central Repository for Nevada Records of Criminal History; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 236—An Act making an appropriation to the Office of the Governor for computer upgrades and office furniture; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 237—An Act relating to Carson City; amending the charter of Carson City to authorize the imposition of a local sales and use tax for open spaces, parks, trails and recreational facilities; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 238—An Act relating to the City of Las Vegas; authorizing the mayor to veto any contract, resolution or ordinance approved by the city council; eliminating the authority of the mayor to vote on certain measures before the city council; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 239—An Act relating to programs for the treatment of alcohol and drug abuse; requiring the legislative auditor to perform an audit of the effectiveness of programs for the treatment of alcohol and drug abuse conducted in this state; establishing certain requirements for the audit; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Ohrenschall, Evans, Arberry, Price, Freeman, Mortenson, Parks, Segerblom, Neighbors, Herrera, Williams, Lambert, Collins, Koivisto, Bache, Lee and Manendo:

Assembly Bill No. 240—An Act relating to crimes; prohibiting the release of a person on parole or probation if he was convicted of committing a certain offense related to defrauding a person who is 65 years of age or older until the convicted person has paid a certain amount of restitution to the victim of the offense; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 42.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 44.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 50.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 63.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 65.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 124.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time and ordered to third reading.

Assembly Bill No. 45.

Bill read second time and ordered to third reading.

Assembly Bill No. 69.

Bill read second time.

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

Amendment No. 30.

Amend sec. 4, page 3, by deleting lines 1 through 6 and inserting:

"Sec. 4.020 Municipal court: Residency requirement of municipal judge; salary.

1. A municipal judge must have been a resident of the city for a continuous [2-year] period *of at least 6 months* immediately preceding his election.".

Amend the title of the bill by deleting the second and third lines and inserting: "increase the number of municipal judges; revising the residency requirement for municipal judges and city councilmen;".

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 122.

Bill read second time.

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

Amendment No. 42.

Amend sec. 2, page 2, line 38, by inserting a period after "regulation".

Amend sec. 2, page 2, by deleting lines 39 and 40.

Amend sec. 3, page 3, by deleting line 16 and inserting: "*interested persons on one or more general topics to be addressed in a proposed regulation. Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:*

(a) In writing to each person who has requested to be placed on a mailing list; and

(b) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.".

Amend the bill as a whole by deleting sec. 6.

Amend the title of the bill by deleting the fourth, fifth and sixth lines and inserting: "attorney general to develop guidelines for drafting regulations; and providing other matters properly".

Assemblywoman Lambert moved the adoption of the amendment.

Remarks by Assemblywoman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 127.

Bill read second time.

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

Amendment No. 34.

Amend section 1, page 2, line 14, by deleting "*the deposit.*" and inserting: "*an amount of the deposit that does not exceed 5 percent of the total offer to purchase.*".

Amend the title of the bill, first line, after "retain" by inserting: "a certain amount of".

Assemblywoman Tiffany moved the adoption of the amendment.

Remarks by Assemblywoman Tiffany.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 73.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblymen Carpenter and Price.

Roll call on Assembly Bill No. 34:

YEAS—41.

NAYS—None.

Excused—Ernaut.

Assembly Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

Remarks by Assemblymen Collins, Close, Anderson and Giunchigliani.

Roll call on Assembly Bill No. 130:
YEAS—41.
NAYS—None.
Excused—Ernaut.
Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 164.
Bill read third time.
Remarks by Assemblywoman Berman.
Roll call on Assembly Bill No. 164:
YEAS—41.
NAYS—None.
Excused—Ernaut.
Assembly Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 1.
Resolution read third time.
Remarks by Assemblywoman Segerblom.
Roll call on Assembly Joint Resolution No. 1:
YEAS—41.
NAYS—None.
Excused—Ernaut.
Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 2.
Resolution read third time.
Remarks by Assemblywoman Buckley.
Roll call on Assembly Joint Resolution No. 2:
YEAS—41.
NAYS—None.
Excused—Ernaut.
Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.
Resolution read third time.
Remarks by Assemblyman Hettrick.

Roll call on Assembly Joint Resolution No. 4:

YEAS—41.

NAYS—None.

Excused—Ernaut.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 33 of the 68th Session.

Resolution read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Joint Resolution No. 33 of the 68th Session:

YEAS—41.

NAYS—None.

Excused—Ernaut.

Assembly Joint Resolution No. 33 of the 68th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Olson and Charles Norman.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Casteel.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Edith Isidoro-Mills.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Ellyn Fuetsch, Susan Wells, Evan Stern, Emilie Benke, Olga Shumyatsky and Andrew Gardner.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Nicola Neilon.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Konowalow and Jacqueline Walker.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Benoit, Zander Budge, Ben Burke, Brian Daines, Robin Dietrich, Heather Donahue, Alisha Fennelly, Will Frazer, Dustin Hendricks, Gabe Hulsey, Chad Jensen, Parker Johnson, Philippa Lockwood, Ashley McDermid, Keenan McKavanagh, Spencer Okada, Sarah Rosenbloom, Brooke Siem, Sandy Smith, Jaime Towell, Christina Venturacci, Katie Vicks, Kyle Wolf, Elizabeth Bartlett, Jared Bertrand, Cameron Calvert, Yue Chen, Tyler Cirac, Jon Dodd, Travis Giannini, Erica Hamilton, Elizabeth Harris, Greg Hegedus, Drew Jamieson, Elizabeth Jenkins, Shelby Kemper, Sebastian Lucas, Danielle Mefford, Cory Nelson, Ben Ralph, Radhika Siddharthan, Amy Spitzer, Tina Vail, Kenny Van Woert, Drew Walker, Colby Whittey, Alex White, Tyler Abbott, Zack Anderson, Andrew Barba, Jessica Ceccarelli, Katie Coughlin, Candace Darkis, Kevin Gorham, Sarah Griffin, Laura Jacobsen, Katie Judge, Kara Kroll, Michael Lee, Dominic Licata, Daniel McKee, Katie Riley, Joe Rosa, Laura Scarselli, Megan Smith, George Stewart, Patricia Tartaglia, Gabe Taylor, Diana Ghio, Laura Rice, Allison Judge and Christie Kroll.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 6, 1997 at 11 a.m., and that it do so in memory of former Chief Justice John Mowbray.

Motion carried.

Assembly adjourned at 12:56 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 6, 1997

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marvin Dennis.

As we enter this session today, I pray that from our hearts each of us will acknowledge You, our God, as You have taught us to pray, 'Our Father who art in Heaven, hallowed be Thy Name, Thy kingdom come, Thy will be done on earth, as it is in Heaven. Give us this day our daily bread, and forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 2.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Goldwater, Ohrenschall, Anderson, Manendo, Collins, Carpenter, Perkins, Sandoval, Segerblom, Gustavson, Koivisto, Nolan, Berman, Herrera, Cegavske, Mortenson, Price, Krenzer, Evans, Chowning, Lee, Braunlin, Parks, Lambert, Bache, Arberry, Giunchigliani, Close, Amodei, Von Tobel, Marvel, Neighbors, de Braga, Williams, Tiffany and Hickey:

Assembly Bill No. 241—An Act relating to traffic laws; making the prior conviction of a person for driving under the influence of alcohol or a controlled substance in any jurisdiction a factor in determining eligibility for participation in certain programs for the treatment of alcoholism and drug abuse; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 242—An Act relating to crimes; making it a crime to intentionally isolate an older person; making it a crime to conspire to commit abuse, exploitation or isolation of an older person; requiring a law enforcement agency to promptly seek to obtain a warrant for the arrest of a person who is criminally responsible for a crime against an older person; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Sandoval, Carpenter, Anderson, Lee, Lambert, Amodei, Nolan, Manendo, Collins, Tiffany, Hickey, Humke, Marvel, Braunlin, Neighbors, Buckley, Herrera, Berman, Segerblom and Perkins:

Assembly Bill No. 243—An Act relating to transportation; revising the provisions governing the operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; revising the provisions governing the operation of a vessel while under the influence of intoxicating liquor or a controlled substance; imposing a fee for chemical testing upon a person convicted of operating a vessel while under the influence of intoxicating liquor or a controlled substance; increasing the penalty in certain circumstances for a person convicted of operating a vessel while under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman de Braga (by request):

Assembly Bill No. 244—An Act relating to local facilities for detention; requiring a state agency that arrests a person and detains him in a county jail to reimburse the county for the cost of housing the person; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 245—An Act making an appropriation to the State Public Works Board for the construction of Hi-Tech Learning Centers in Mesquite and Overton; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 6, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 14.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 14.

Assemblyman Nolan moved the adoption of the resolution.

Remarks by Assemblymen Nolan, Collins, Chowning and Anderson.

Resolution adopted.

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

Motion carried.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 193 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 41.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within [30] *100* feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located , a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker : [.] No electioneering between this point and the entrance to the polling place."

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.".

Amend section 1, page 1, lines 2 and 3, by deleting: "*2 and NRS 293.361,*" and inserting "*2,*".

Amend section 1, page 1, by deleting lines 10 through 13 and inserting:

"*The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."*

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.".

Amend section 1, pages 1 and 2, by deleting line 18 on page 1 and lines 1 through 5 on page 2 and inserting:

"*(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;*

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insignia which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election;

(e) Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against a particular political party, candidate or ballot question; or

(f) Soliciting signatures to any kind of petition.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 37.

Amend section 1, page 1, line 10, by deleting "*property.*" and inserting: "*property, unless the judge, or his authorized representative, determines that extenuating circumstances exist.*".

Amend section 1, page 1, by deleting lines 11 through 13 and inserting:

"*3. If the child and his parent or guardian are unable to provide restitution because of financial hardship, the judge, or his authorized representative, shall order the child or his parent or guardian, or both, to perform community service.*".

Amend section 1, page 2, by deleting lines 3 and 4 and inserting:

"*5. The judge, or his authorized representative, may require the child or his parent or guardian, or both, to deposit with the court a reasonable sum of money to pay for the*".

Amend section 1, page 2, by deleting lines 7 and 8 and inserting: "*in which the work is performed, unless, in the case of industrial insurance, it is provided by the authority for which the work is performed.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 60.

Bill read second time and ordered to third reading.

Assembly Bill No. 74.

Bill read second time.

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

Amendment No. 32.

Amend section 1, page 1, by deleting lines 9 through 13.

Amend section 1, page 2, line 17, after "*median*" by inserting "*gross*".

Amend section 1, page 2, line 24, after "*6.*" by inserting: "*As a condition to the conveyance of the property pursuant to subsection 5, the board of county commissioners shall enter into an agreement with the nonprofit corporation that will ensure the affordability of any housing constructed on the property. The agreement must provide that the property automatically reverts to the county if, at any time after the date of conveyance pursuant to subsection 5, the nonprofit corporation fails to provide affordable housing on the property.*

7.".

Amend section 1, page 2, line 30, by deleting "*7.*" and inserting "*8.*".

Amend section 1, page 2, line 35, by deleting "*8.*" and inserting "*9.*".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend sec. 4, page 5, by deleting lines 5 through 11 and inserting: "*property was purchased or received by the city pursuant to NRS 268.008.*".

Amend sec. 4, page 5, line 33, after "*median*" by inserting "*gross*".

Amend sec. 4, page 5, line 40, after "*6.*" by inserting: "*As a condition to the conveyance of the property pursuant to subsection 5, the governing body shall enter into an agreement with the nonprofit corporation that will ensure the affordability of any housing constructed on the property. The agreement must provide that the property automatically reverts to the city if, at any time after the date of conveyance pursuant to subsection 5, the nonprofit corporation fails to provide affordable housing on the property.*

7.".

Amend sec. 4, page 6, line 3, by deleting "*7.*" and inserting "*8.*".

Amend sec. 4, page 6, line 8, by deleting "*8.*" and inserting "*9.*".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 4 and 5.

Amend sec. 6, page 8, line 5, by deleting "*4*" and inserting "*3*".

Amend sec. 7, page 9, line 29, by deleting "*4*" and inserting "*3*".

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

"Sec. 6. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 79.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 38.

Amend section 1, page 1, line 2, by deleting "court" and inserting "[court] *division*".

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"for the defendant and the defendant the factual content of the report of the presentence".

Amend section 1, page 1, by deleting lines 8 through 14 and inserting:

"2. [If the Immigration and Naturalization Service of the United States Department of Justice requests the disclosure of a report of a presentence investigation, the court] *Unless otherwise ordered by a court, upon request, the division* shall disclose the [factual content of the report to the Immigration and Naturalization Service] *content of a report of a presentence investigation to the law enforcement agency of this state or a political subdivision thereof and to a law enforcement agency of the Federal Government* for the limited purpose of performing [its] *their* duties, including, but not limited to, conducting hearings that are public in nature . [for the deportation of aliens.]

3. Unless otherwise ordered by a court, upon request, the division shall disclose the content of a report of a presentence investigation to the mental hygiene and mental retardation division of the department of human resources for the limited purpose of performing its duties, including, without limitation, evaluating the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill,

to provide any report or information to the division of parole and probation of the department of motor vehicles and public safety.

4. Unless otherwise ordered by a court, upon request, the division shall disclose the content of a report of a presentence investigation to the state gaming control board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 [and 2,] *to 4, inclusive,* the report".

Amend the title of the bill by deleting the first through fourth lines and inserting: "An Act relating to presentence investigations; requiring the division of parole and probation of the department of motor vehicles and public safety to disclose the content of the report of the presentence investigation to a law enforcement agency, the mental hygiene and mental retardation division of the department of human services and the state gaming control board for certain purposes; and".

Amend the summary of the bill to read as follows: "Summary—Requires disclosure of content of report of presentence investigation to certain governmental entities. (BDR 14-768)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 141.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 39.

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

"Section 1. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in NRS 202.265 and this section, a permittee [must] *shall* not carry a concealed firearm into:

(a) Any facility of a law enforcement agency;

(b) A prison, county or city jail or detention facility;

(c) A courthouse or courtroom;

(d) Any facility of a public or private school;

(e) Any facility of a vocational or technical school, or of the University and Community College System of Nevada;

(f) Any other building owned or occupied by the Federal Government, the state or a local government; or

(g) Any other place in which the carrying of a concealed firearm is prohibited by state or federal law.

2. The provisions of this section do not prohibit a permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing other permittees to carry a concealed firearm in his courtroom.

3. The provisions of this section are not applicable to an employee of the facility identified in subsection 1 while on the premises of that facility.

4. The *provisions of this section do not apply to a permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this state.*

5. A violation of the provisions of subsection 1 is a misdemeanor.".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to dangerous weapons; exempting certain prosecuting attorneys from the prohibition against carrying a concealed firearm into certain locations; and providing other".

Amend the summary of the bill to read as follows: "Summary—Exempts certain prosecuting attorneys from prohibition against carrying concealed firearm into certain locations. (BDR 15-727)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time and ordered to third reading.

Assembly Bill No. 148.

Bill read second time and ordered to third reading.

Assembly Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 44.

Amend sec. 2, page 2, by deleting lines 20 through 22 and inserting: "effective and before the effective date of any amendment.]".

Amend sec. 2, page 2, line 27, by deleting "*receive*" and inserting "*approve*".

Amend sec. 2, page 2, line 30, after "*2.*" by inserting: "An administrative approval received pursuant to this section relates back to the date on which the trust was executed.

3.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblymen Segerblom and Goldwater.

Roll call on Assembly Bill No. 1:
YEAS—41.
NAYS—None.
Absent—Price.
Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 45.
Bill read third time.
Remarks by Assemblymen Bache, Carpenter and Marvel.
Roll call on Assembly Bill No. 45:
YEAS—34.
NAYS—Braunlin, Carpenter, Gustavson, Hettrick, Lambert, Marvel, Tiffany—7.
Absent—Price.
Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 73.
Bill read third time.
Remarks by Assemblymen Anderson, Humke and Freeman.
Roll call on Senate Bill No. 73:
YEAS—42.
NAYS—None.
Senate Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Meg Glazer.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Buen, Joi Davis, Janel Davis, Joyce Gray and Don Gray.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Kathie Bartlett.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Steven High.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Mann.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Gilday-Shaffer.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Romitto and George LeMaitre.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Jason.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Howard Rosenberg.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Suzanne LeBlanc.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Constance Devereaux, Gary Mills, Nick Devereaux and Mauro Devereaux.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Sherry Smokey.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Lois Zetter.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Antraccoli.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Smee-Fosburg and Phil Davis.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Penelope Siig.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Boroughf, Mary Jane Smith and Howard King.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Maija Taso.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Angie Wallin.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Toni Tennille and Daryl Dragon.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Preiss, Mike O'Grady, Pat O'Grady, Pat Middleton and Linda Middleton.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Welch and Bill Bilyeau.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Craig.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Lolmaugh.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Falling.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Jo Bonin.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Kropid.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Joe McCarthy.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Heratch Manoukian.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Doris Femenella.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Norton.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Sally Wathen.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Oppio.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Margie Marshall.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Patti Atcheson-Melton.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Joanne Nivison.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Short.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole Vohs, Kim Ortega, Michelle Geng, Katie Bushman, Victoria Zubia, Charity May, Brianne Jones, Jordon Adams, Jenny Featerston, Vyanca Zubia, Jane Van Ert, Merrill Staheli, Bob Jones, Larry Moses, Jerry Montgomery, Dean Blair, Roy Hurley, Ryan Hughes, Scott Leavitt, Taylor Waite, Ben Leavitt, Greg Mickelson, David Brotherson, David Reyes, Kevin Vaughn, Kirk Brotherson, Eugene Hughes, Clay Waite and Mike Barry.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Rogan.

Assemblyman Perkins moved that the Assembly adjourn until Monday, March 10, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:15 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 10, 1997

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jerry Hanley.

Yahweh, Father, God of Abraham, Isaac and Jacob. All we have comes from You. We ask Your blessings on those chosen to serve Your people that they may perform their task for our good and for the welfare of the people of Nevada. We pray especially for those who have no voice that can be heard amid the cry for comfort and position. Nourish and protect this state and this Assembly. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen de Braga, Ohrenschall, Carpenter, Parks, Segerblom, Neighbors, Bache, Lee, Braunlin, Mortenson, Tiffany, Berman, Amodei, Lambert, Giunchigliani, Anderson, Collins, Manendo, Arberry, Marvel, Price, Nolan, Krenzer, Evans, Sandoval, Cegavske, Chowning, Ernaut, Hettrick, Freeman, Koivisto, Gustavson, Hickey, Perkins, Buckley, Williams, Von Tobel, Goldwater, Herrera, Humke and Dini:

Assembly Concurrent Resolution No. 6—Directing the Legislative Commission to conduct an interim study to determine methods for the development of a global market for products of the State of Nevada.

Assemblywoman de Braga moved that the resolution be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Elections, Procedures, and Ethics.

Motion carried.

Assembly Concurrent Resolution No. 2.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Resolution adopted as amended.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 246—An Act relating to state highways; providing for the designation of Six-Mile Canyon Road in Storey and Lyon counties as a state highway; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Amodei:

Assembly Bill No. 247—An Act making an appropriation to the State Public Works Board for the construction of an Urban Hi-Tech Learning Center at Carson High School; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 39 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman de Braga moved that Assembly Bill No. 77 be re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Freeman.

Roll call on Assembly Bill No. 18:

YEAS—42.

NAYS—None.

Assembly Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 60:

YEAS—42.

NAYS—None.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblymen Lee, Evans, Price, Bache, Giunchigliani, Collins and Segerblom.

Roll call on Assembly Bill No. 69:

YEAS—37.

NAYS—Buckley, Evans, Giunchigliani, Sandoval, Segerblom—5.

Assembly Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblymen Buckley, Goldwater and Carpenter.

Roll call on Assembly Bill No. 74:

YEAS—42.

NAYS—None.

Assembly Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblymen Buckley and Arberry.

Assemblywoman Buckley moved that Assembly Bill No. 79 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblymen Lambert, Giunchigliani and Price.

Roll call on Assembly Bill No. 122:

YEAS—41.

NAYS—Anderson.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 127.

Bill read third time.

Remarks by Assemblymen Tiffany and Collins.

Roll call on Assembly Bill No. 127:

YEAS—42.

NAYS—None.

Assembly Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 141.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 141:

YEAS—42.

NAYS—None.

Assembly Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 144, 148, 162, 189 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Today, as everybody is probably aware, we have many Girl Scouts with us. Particularly from my perspective, Mr. Speaker, I am very proud and honored to have two Girl Scouts with me as well as to see the group that we have in our Chambers. With today's problems and social ills, it's always very wonderful to see an organization that is able to focus and direct young people's attention towards good things, and I for one would like to congratulate the Girl Scouts and their organization for being here today.

ASSEMBLYWOMAN FREEMAN:

I would like to join our Majority Leader in his welcome to all of those in our Chamber today. I have a few brief remarks to make.

Margaret Meade told us never to doubt that a small group of dedicated individuals can change the world. She said, "Indeed, it is the only thing that ever has." Margaret Meade might well have been speaking of the groups here today for Grassroots Lobby Days. Thirty-seven organizations and more than 150 individuals have gathered here to share their viewpoints with us. These are the "movers and shakers" of grassroots campaigns, representing thousands of members of their organizations throughout the state.

Since 1991, Nevada Women's Lobby has coordinated this visit to the legislature to encourage citizen involvement in the legislative process.

Seated with us on the floor today are young women who will create the world of the future. The Girl Scout Councils arranged their "Day at the Legislature" to coincide with Grassroots Lobby Days. This is a visual reminder that the decisions we make today will influence the lives of these young women and the families of the future.

Let us welcome the members of all the organizations today.

Mr. Speaker, I have a list here of 26 organizations who are core sponsors today, and I'd like to enter these into the record: The Action Network; American Association of University Women; Americans for Mental Health; Boys and Girls Clubs of Western Nevada; Church Women United; Great Basin Primary Care Association; League of Women Voters; Maternal and Child Health Care Coalition; NAACP; UNLV Chapter; Nathan Adelson Hospice; National Association of Social Workers; Nevada Chapter; Nevada Nurses Association; Nevada Women's Political Caucus; NEW Project; Nevada Federation of Business and Professional Women; Nevada School Counselors Association; Nevada Women's Lobby; Planned Parenthoods in Nevada; Progressive Leadership Alliance of Nevada; Religious Alliance in Nevada; Progressive Leadership Alliance of Nevada; Religious Alliance in Nevada; Republican Women of Incline Village; Soroptimists International; Tahoe Women's Services; Toiyabe Sierra Club; UNLV and UNR students; Washoe Family Care.

ASSEMBLYWOMAN KOIVISTO:

I also want to reiterate how important it is that we recognize the theme of this year's Grassroots Lobby Days: Today's Decisions, Tomorrow's Heritage, and that we remain mindful of this throughout the 1997 Session as we make decisions which will influence the lives of future generations. These young women sharing the floor with us today are counting on us to continue to make Nevada a state where all citizens have opportunities to succeed and where all families and individuals are valued.

ASSEMBLYWOMAN GIUNCHIGLIANI:

As a former Girl Scout, I was quite shocked today to learn that one of the young ladies sitting with me happened to be one of my former students from when I taught at K.O. Knudson, so it was serendipitous.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph D. Cracraft.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to the Girl Scouts, Danielle Brunelle, Stephanie Busby, Amber Carroll, Michelle Crevelt, Callie Dunlap, Erin Elliott, Sarah Etnire, Amanda Foster, Lindsey Frakes, Veronica Gaar, Ashley Goff, Rachel Helms, Amber Howard, Jessica Keenan, Shannon Lawton, Sarah Leavitt, Genevieve Ludwig, Crystal McConnell, Joshlynn McDowell, Kimberly McGuigan, Susan Malnar, Marion Nelson, Jodie

Neyman, Julia Marie Noehl, Pesla Palmer, Elizabeth Patat, Brittany Rickling, Lisa Sanderson, Jaimie Schroter, Mona Shah, Joanna Herring, Tzeltel Volberding, Teresa Silva, Kristine Wilkerson, Elyse Jolly, Lacie Geiszler, Katie Silva, Patricia Bryan, Karrie Parmen, Sharon Minney, Stephanie Fish, Janet Palmer, LeeAnn Morris-Quam, Kimberly Hess, Keren Mendoza, Kristen Robinson, Coleche Manos, Lolita Manos, Dennise Howard, Casey Lutz, Robin Knutson, Tawnya Webster, Katie Berdan, Mandy Heslington, Kirsten Jensen, Allison Root, Jackie Norse, Crystal Willis, Alanna Williss, Megan Gilman, Erin Robson, Ali Moosberg, Betsy Talas, Holly Ludwig, Ashley Wade, Aja Stewart, Diane Carter, Kristy Johnson, Mary Johnson, Gina Rossman, JoAnne Foster, Theresa Williams, Laurine Prinvale, Nicole Prinvale, Jeanette Bye, Lindsay Clark, Katie Kehoe, Laura Hickman, Jenna Howard, Christina Rodarte, Kelly Fleischmann, Kristine Brown, Bianca Sciotto, Erica Hernandez, Paulette Hernandez, Anna Prior, Melissa Mansfield, Terri Izatt, Mollie Young, Rhonda Johnson, Ella Trujillo, Beverley Liggett, Nicole Swenson, Jean Bye, Andrea Small, Sandy Clark, Susan James, Lindsey Edwards, Megan Whitaker and Linda Swenson.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Bunch, Diana Lombardo, Diana Mae Long, Stephanie Poland, Pat Van Betten, Ethelda Thelen, Dorothy Button and Sita Swamy.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Shipp.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, March 12, 1997 at 11 a.m., and that it do so in memory of the former Speaker of the Assembly, Cyril Bastian.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 12, 1997

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Collins, who was excused.

Prayer by the Chaplain, Father Jerry Hanley.

Heavenly Father, You are the great reconciler and we ask You to restore this fair earth and our place on it. You have called us to speak the word of peace. Give us the courage to live in Your call and not be blind to Your judgments and Your grace. Bless this Assembly, their families and those they serve. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Close, Buckley, Lambert, Marvel, Arberry, Von Tobel, Price, Giunchigliani, Goldwater, Herrera, Nolan, Tiffany, Berman, Parks, Cegavske, Hickey, Amodei, de Braga, Braunlin, Segerblom, Hettrick, Chowning and Koivisto:

Assembly Joint Resolution No. 6—Proposing to amend the constitution of the State of Nevada to provide for the initial selection of judges by appointment with an annual review of their performance and their subsequent retention by election and to revise certain provisions relating to the commission on judicial selection.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 6, and sections 5, 15 and 20 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 22. 1. Commencing with a term of office that expires on or after December 31, 2001, each justice of the supreme court and judge of a district court who desires to succeed himself must, on or before July 1 next preceding the expiration of his term of office, declare his candidacy in the manner provided by law. With respect to each justice or judge who so declares, the question must be presented at the next general election, in a form provided by law, whether that justice or judge shall succeed himself. The term of office of each justice or judge who succeeds himself is 6 years, beginning and ending on the first Monday of January in the respectively appropriate years.

2. If a justice or judge does not declare his candidacy, or if a majority of the votes cast on the question of his retention are cast against his succeeding himself, a vacancy is created at the expiration of his term that must be filled by appointment pursuant to section 20 of this article. The initial term of the justice or judge appointed to replace the justice or judge who is not succeeding himself is the term the former justice or judge would have served had he succeeded himself.

Sec. 5. The state is hereby divided into Nine Judicial Districts of which the county of Storey shall constitute the First; The county of Ormsby the Second; the county of Lyon the Third; The county of Washoe the Fourth; The counties of Nye and Churchill the Fifth; The county of Humboldt the Sixth; The county of Lander the Seventh; The county of Douglas the Eighth; and the county of Esmeralda the Ninth. The county of Roop shall be attached to the county of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the [Districts herein prescribed, and also] *judicial districts and* for increasing or diminishing the number of [the Judicial Districts and Judges] *those districts and the judges* therein. But no such change [shall] *may* take effect, except in case of a vacancy [,] or the expiration of the term of an incumbent of the [Office. At the first general election under this Constitution there shall be elected in each of the respective Districts (except as in this Section hereafter otherwise provided) One District Judge, who shall hold Office from and including the first Monday of December AD. Eighteen hundred and Sixty four and until the first Monday of January in the year Eighteen hundred and Sixty seven. After the said first election, there shall be elected at the General election which immediately precedes the expiration of the term of his predecessor, One District Judge in each of the respective Judicial Districts (except in the First District as in this Section hereinafter provided.) The District Judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; Provided, that the First Judicial District shall be entitled to, and shall have Three District Judges, who shall possess] *office of district judge. In a judicial district with more than one district judge, each judge possesses* co-extensive and concurrent jurisdiction, and [who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the Judges in other Judicial Districts, any one of said Judges] *any of those judges* may preside on the [empanneling] *empaneling* of Grand Juries and the presentment and trial on indictments [, under such rules and regulations as may be] *in the manner* prescribed by law.

[Sec:] *Sec.* 15. The Justices of the Supreme Court and District Judges shall each receive for their services a compensation to be fixed by law and paid in the manner provided by law, which [shall] *must* not be increased or diminished during the term for which they [shall] have been elected [,] *or appointed,* unless a Vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment , [;] and provision [shall] *must* be made by law for setting apart from each year's revenue a sufficient amount of Money [,] to pay such compensation.

Sec. 20. 1. When a vacancy occurs [before the expiration of any term of office] in the supreme court or among the district judges, the governor shall appoint a justice or judge from

among three nominees selected for [such individual] *the* vacancy by the commission on judicial selection [.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the supreme court shall be made by the permanent commission, composed of:

(a) The chief justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

4. Each nomination for the district court shall be made by a temporary commission composed of:

(a) The permanent commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the board of governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission shall be appointed when a vacancy occurs, and their terms shall expire when the nominations for such vacancy have been transmitted to the governor.

7. An appointing authority shall not appoint to the permanent commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent commission may be a member of a commission on judicial discipline.

8.] *and review.*

2. The legislature shall provide by law for the:

(a) Number;

(b) Qualifications;

(c) Appointment;

(d) Compensation; and

(e) Terms of office,

of the members of the commission, not more than two-fifths of whom may be attorneys admitted to practice before the courts of this state.

3. The commission shall:

(a) Annually review the performance of each justice and judge in the manner provided by law; and

(b) After the completion of that review, cause a report to be published regarding the performance of each justice and judge in the manner provided by law.

4. The commission may:

(a) Adopt regulations for the operation of the commission and for maintaining the confidentiality of its proceedings and records; and

(b) Exercise such further powers as the legislature may from time to time confer upon it.

5. A member of the commission may not serve simultaneously as a member of a commission on judicial discipline.

6. After the expiration of 30 days from the date on which the commission [on judicial selection] has delivered to him its list of nominees for any vacancy, if the governor has not made the appointment required by this section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

[If a commission on judicial selection is established by another section of this constitution to nominate persons to fill vacancies on the supreme court, such commission shall serve as the permanent commission established by subsection 3 of this section.]

Assemblyman Close moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hettrick:

Assembly Bill No. 248—An Act relating to employment; providing immunity from civil liability in certain circumstances for an employer who discloses certain information regarding an employee or former employee to a prospective employer of that employee or former employee; creating a rebuttable presumption that such information is provided in good faith; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 249—An Act relating to taxation; providing an exemption from property taxes for property of Pershing County Kids, Horses, Rodeo Inc.; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 250—An Act relating to county surveyors; expanding the services that may be assigned to county surveyors; revising the provisions regarding the compensation of a county surveyor; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 251—An Act relating to counties; revising the provisions governing the merit personnel system of certain counties; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 252—An Act making an appropriation to Nye County for the establishment of a Tonopah Mining Park and for improvements to and operational expenses of the Central Nevada Museum; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 253—An Act making an appropriation to the State Public Works Board for the construction of a Hi-Tech Learning Center in Pahrump; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 254—An Act relating to public utilities; repealing the Utility Environmental Protection Act; eliminating the authority of the public service commission of Nevada to adopt regulations relating to the resource plan submitted by a utility that provides natural gas; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 255—An Act relating to public utilities; providing that a utility which supplies natural gas is not obligated to provide service in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 256—An Act relating to public utilities; authorizing a utility that supplies natural gas to sell an exclusive right to acquire gas

supplies within its service area; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 257—An Act relating to public utilities; authorizing a public utility to recover the costs of promotional advertising; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Dini and Perkins:

Assembly Bill No. 258—An Act relating to interior design; establishing the practice of constructive interior design; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 135.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 135 be re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 144.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 144:

YEAS—41.

NAYS—None.

Excused—Collins.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 148:

YEAS—41.

NAYS—None.

Excused—Collins.

Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 162.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 162:

YEAS—40.

NAYS—None.

Not voting—Dini.

Excused—Collins.

Assembly Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 189.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 189:

YEAS—41.

NAYS—None.

Excused—Collins.

Assembly Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 12, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 16.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 16.

Assemblyman Sandoval moved the adoption of the resolution.

Remarks by Assemblymen Sandoval, Giunchigliani, Nolan and Chowning.

Assemblyman Perkins requested that the following remarks be entered in the Journal:

ASSEMBLYMAN SANDOVAL:

Unfortunately, we often hear of the negative aspects of youth such as gangs and crime. We also listen to horrible stories of child abuse and know that in these abusive situations, the brains of little children will be permanently affected. I am very, very honored to show a bright spot today. We're here to honor Stan and Jan Berenstain.

I've borrowed some props from my son—some of the Berenstain books and a little stuffed animal of Brother Berenstain—to emphasize some points. The Berenstain books are the second-most popular children's books of all time, second only to Dr. Seuss. There are a hundred titles with morals and good points in each book that, I think, apply not only to children, but also to the members of this house, such as: *The Trouble With Money*; *The Big Election*; *Get in a Fight*; *Hug and Make Up*; *Good Deed*; for my colleague from District 37, *New Baby*; and last, but not least, *We are a Family.* There are also videos, and I watched *Big Paw* last night with my son, James. There have been several TV specials, audiocassettes, and other things.

In closing, I'd just like to say that I think we all owe a very, very large debt of gratitude to Jan and Stan Berenstain for their dedication to our children, and I urge the members of this Assembly to join me in supporting Senate Concurrent Resolution 16.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I, too, rise in support of SCR 16. Jan Grant and Stan Berenstain wrote and drew for many magazines, such as *Collier's, Saturday Evening Post,* and many others. They also produced many books. For example, they set up a series of paperbacks produced by Knox entitled *Marital Blitz, Education Impossible, How to Teach Your Children about Sex without Making a Complete Fool of Yourself; How to Teach Your Children about God without Actually Scaring Them out of Their Wits;* and *Have a Baby, My Wife Just Had a Cigar.*

We've heard that phase, "pictures speak louder than words," and while the stories written by the Berenstains will live on forever, I think it is the pictures or the cartooning that they created which we will remember. Most specially, it will be vivid within the children's minds. For example, the Berenstain Bears began in the 1960s with a book which had pictures with rides on two rickety elevators and a climb of the twisty stairs to see a fellow named Theodor Seuss Geisel, better known as Dr. Seuss, who became an editor for many of their series. Even my junior high students still get a kick out of the Dr. Seuss books, especially the pictures.

The Berenstains have proved how important writing and the arts are for quality of life, but most importantly they've shown us how important humor is, because even we take ourselves too seriously from time to time. I would hope my colleagues would join in supporting this resolution in honor of people who not only could draw and brought civility and respect to the issues that many children have to deal with, but also left us with the more lingering issue, which is humor. Thank you very much.

ASSEMBLYMAN NOLAN:

I, too, rise in support of this resolution. As you know, my two little sons, who will soon be visiting us here in these chambers, much to my colleague's chagrin—as you can see, he's very excited about that—use the Berenstain Bears quite frequently. Over the last several years, we've purchased several of their books and videotapes. When I recently purchased a new CD-ROM computer for the two little boys, it came with a program already on it which was *The Berenstain Bears on the Farm*, and it is an interactive, wonderful program. Sunday nights now have turned into a wrestling match between myself and my two little boys as to who gets to control the bears through the farm, and I finally had to lock them out so I could have some fun with it.

Their publications and products are wonderful, and I, too, join in offering a debt of gratitude to these two fine individuals.

ASSEMBLYWOMAN CHOWNING:

I, too, rise in support of SCR 16. The few times that I get to see our granddaughter, Alysse Beasley, who resides in New Hampshire, are very, very joyous indeed. We try to read to the three grandchildren every chance we can. The oldest is just about to go to school, and she loves the little blue dress and the little hat with the white polka dots. Her favorite book is about somebody going to school, and I just want to tell you thank you.

Resolution adopted.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Bennett.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Tanya Hill.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Jay Lather and Don Stangle.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mick Grant.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Constance Alexander.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Dugan.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Hammock and Carl Dahlen.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to John Amundson.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Arett.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Kester and Mike Riley.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Cardinal.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Lang and Sheila Stanton.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Daryl Reedy and Dick Hall.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Jensen, Eileen Paige, Art Johnson, Jeanne Johnson and Mike Katz.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Loomis.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick O'Connor.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Mellberg.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Roxanne Stangle.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Williams and Tracy McAteer.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis McDuffee and Dave Bolick.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Hall and Elaine Agnason.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 13, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 13, 1997

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, Father Chuck Durante.

We stand before You, Holy and loving Creator, conscious of our weakness, but aware that we gather in Your name. Come to us, remain with us, enlighten our hearts. Give us light and strength to know Your will, to make it our own, and to live it in our lives. Guide us by Your wisdom, support us by Your power, for You are God of us all. You desire justice for all: enable us to uphold the rights of others; do not allow us to be misled by ignorance or corrupted by fear or favor. Unite us to Yourself in the bond of love and keep us faithful to all that is true. As we gather in Your name as Your faithful servants, may we temper justice with love, so that all our decisions may be pleasing to You and will be for the common good of all people: children, women and men. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 14 of the 68th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 12, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 72, 78, 89.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 84, 98, 141.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 11, 68, 80.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 259—An Act making a supplemental appropriation to the Office of the Governor for Nevada's share of the start-up costs for the Western Governors University; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 260—An Act making an appropriation from the state highway fund to the Department of Motor Vehicles and Public Safety for the cost of changing the organizational structure of the department; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 261—An Act making an appropriation for new and replacement equipment for the Division of Forestry of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 262—An Act relating to the state board of architecture, interior design and residential design; revising the provisions governing the

fees charged by the board; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 263—An Act relating to state financial administration; making an appropriation to the Department of Human Resources and revising the reversion for certain previously appropriated money for the Medicaid Managed Care Program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 264—An Act making an appropriation to the Division of Child and Family Services of the Department of Human Resources for equipment and supplies for the Southern Nevada Child and Adolescent Services Juvenile Treatment Facility; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 265—An Act making an appropriation to the North Las Vegas Library District for a second public library in North Las Vegas; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 266—An Act making an appropriation to the Department of Education for the support of certain nonprofit public broadcasting stations in Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 267—An Act making an appropriation to the Health Division of the Department of Human Resources for distribution to certain community health centers in southern Nevada for oral health services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 268—An Act making an appropriation to the account for local cultural activities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 269—An Act making an appropriation to Clark County for establishment of an Adolescent Detoxification Program; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 270—An Act relating to criminal procedure; allowing a prosecuting attorney to dismiss a case without prejudice in certain situations; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Lee, Koivisto, Parks, Gustavson, Manendo, Nolan, Sandoval, Mortenson, Braunlin, Collins, Bache, Herrera, Von Tobel, Neighbors, Carpenter, Close, Perkins, Hickey, Ohrenschall, Berman, Amodei, Cegavske and Anderson:

Assembly Bill No. 271—An Act relating to exempt property; revising the limitation on the amount of money held in certain retirement plans or arrangements that is exempt from execution; revising the limitation on the equity in a motor vehicle that is exempt from execution; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Nolan, Chowning, Segerblom, Amodei, Ohrenschall, Collins, Close, Parks, Anderson, Ernaut, Lee, Koivisto, Mortenson, Carpenter and Price:

Assembly Bill No. 272—An Act relating to traffic laws; imposing liability under certain circumstances for injuries resulting from evasive driving action taken by a bus driver; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen de Braga, Parks, Neighbors, Lee, Mortenson, Price, Bache, Amodei, Herrera, Koivisto, Evans, Dini, Manendo, Buckley, Chowning, Segerblom and Freeman:

Assembly Bill No. 273—An Act making an appropriation to the Department of Employment, Training and Rehabilitation for the establishment and continued operation of the Turnabout AmeriCorps Child Care Program; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 274—An Act relating to state welfare administration; expanding the application of the provisions imposing liability for fraud in the Medicaid program; providing specific criminal penalties; clarifying certain provisions concerning civil penalties and limitations of actions; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 275—An Act relating to taxation; transferring the responsibility for the collection of taxes and fees imposed on certain fuels from the department of taxation to the department of motor vehicles and public safety; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 11.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 68.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 80.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 84.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 98.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 141.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 17.

Assemblyman Sandoval moved the adoption of the resolution.

Remarks by Assemblyman Sandoval.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 60.

Amend sec. 8, page 5, line 18, by deleting: "upon passage and approval." and inserting: "on July 1, 1997.".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 48.

Amend section 1, page 2, line 3, by deleting "30" and inserting "[30] *60*".

Amend sec. 2, page 3, line 5, by deleting "30" and inserting "[30] *60*".

Amend the title of the bill, third line, after "claims;" by inserting: "extending the time within which such a conference must be held;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 73, Senate Concurrent Resolutions Nos. 2, 14.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to John Barker.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Sonya Dewey.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Lupe Munoz.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to George Hickey, Alynne Hickey and Sheri Harger.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Tyson Burton.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Margery Hall Marshall.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Sheerin.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Winchell.

Assemblyman Perkins moved that the Assembly adjourn until Monday, March 17, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:18 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), March 17, 1997

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Stan Pesis.

O Lord, our Governor, Your glory shines throughout the world. We commend our nation, our state to Your merciful care, that we may live securely in peace and may be guided by Your providence. Give all in authority the wisdom and strength to know Your will and to do it. Help them remember that they are called to serve the people as lovers of truth and justice. Finally, we ask that You bless all the shades of the Irish that are part of this Chamber and Your world. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 80, 84, 97, 104; Senate Bill No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 17, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 38, 83; Senate Joint Resolutions Nos. 3, 14 of the 68th Session.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 18.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 3 of the 68th Session.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Joint Resolution No. 14 of the 68th Session.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 18.

Assemblywoman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans and Mortenson.

Resolution adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 17, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 19, 20.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 19.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted.

Senate Concurrent Resolution No. 20.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Price and Carpenter.

Resolution adopted.

Assemblyman Arberry moved that Assembly Bill No. 79 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 39 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:49 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Manendo, Carpenter, Perkins, Herrera, Berman, Nolan, Collins, Koivisto, Gustavson, Segerblom, Ohrenschall, Sandoval, Buckley, Price, Evans, Ernaut, Krenzer, Chowning, Mortenson, Lee, Parks, Arberry, Braunlin, Bache and Giunchigliani:

Assembly Bill No. 276—An Act relating to state employees; requiring payment for all accrued unused sick leave of officers of the Nevada highway patrol upon retirement, termination without fault or death while in public employment; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 277—An Act relating to education; creating the council for the development of standards of content and performance in education; prescribing the membership and duties of the council; requiring the board of trustees of each school district to adopt and incorporate the standards into the curriculum used by the public schools; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 278—An Act relating to domestic relations; providing a formula for determining the amount and duration of alimony under certain circumstances; making various other changes to provisions governing alimony; authorizing a court to order the parents of a minor parent to pay child support for the child of the minor parent; increasing the amount of money that a parent may be obligated to pay for the support of his child; providing for the allocation of expenses for health care and child care of a

child; prohibiting the reduction in the amount of support ordered for the support of a child solely because of the birth of another child to the parent; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ernaut, Hettrick, Carpenter, Hickey, Tiffany, Von Tobel, Amodei, Cegavske, Gustavson, Braunlin, Lambert, Humke, Nolan, Berman, Mortenson, Chowning and Sandoval:

Assembly Bill No. 279—An Act relating to compensation for unemployment; clarifying the definition of misconduct related to work; providing an exception to charging benefits against the record of the base-period employer; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Berman, Ohrenschall, Herrera, Manendo, Nolan, Collins, Koivisto, Gustavson, Buckley, Carpenter, Segerblom, Perkins, Hettrick, Anderson, Price, Ernaut, Cegavske, Krenzer, Chowning, Lee, Braunlin, Parks, Lambert, Bache, Arberry, Giunchigliani, Goldwater, Amodei, Von Tobel, Neighbors and de Braga:

Assembly Bill No. 280—An Act relating to sexual predators; providing for the involuntary civil commitment of certain sexual predators who commit sexual offenses against children; requiring the mental hygiene and mental retardation division of the department of human resources to adopt certain regulations; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Concurrent Committees on Health and Human Services and Judiciary.

Motion carried.

By Assemblymen Sandoval, Carpenter, Braunlin, Mortenson, Hickey, Buckley, Humke, Ohrenschall, Ernaut and Lambert:

Assembly Bill No. 281—An Act relating to unemployment benefits; disqualifying an employee of a temporary employment service from collecting unemployment benefits under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 282—An Act relating to juvenile courts; revising the provisions governing the circumstances under which an attorney must be appointed for a child in proceedings in juvenile court; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 38.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 83.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 237.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 14 of the 68th Session.

Resolution read second time and ordered to third reading.

Senate Bill No. 48.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 131:

YEAS—42.

NAYS—None.

Assembly Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblymen Buckley and Close.

Roll call on Assembly Bill No. 192:

YEAS—42.

NAYS—None.

Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 79:

YEAS—42.

NAYS—None.

Assembly Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39.

Bill read third time.

The following amendment was proposed by Assemblyman Close:

Amendment No. 68.

Amend section 1, page 1, line 14, by deleting "*shall*" and inserting "*may*".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblymen Close, Anderson, Lambert and Freeman.

Amendment lost on a division of the house.

Roll call on Assembly Bill No. 39:

YEAS—35.

NAYS—Cegavske, Close, Hettrick, Hickey, Humke, Neighbors, Von Tobel—7.

Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Jana Krejcikova and Jiri Pavlicek.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Tuntland and Raymond Tuntland.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Sherwood Rowland and Mac King.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Pavel Pudil and Pavel Dvorak.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Ron James, Rick James, Jennifer James and Jerimiah James.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Jaci Test.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, March 19, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:35 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), March 19, 1997

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Close, who were excused.

Prayer by the Chaplain, The Reverend Stan Pesis.

Lord, when the information and the faces and the committee work and the people and the causes all begin to blur together, teach us to seek Your face, to remember we labor for Your people and that Your cause is justice for the rich and the poor. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Natural Resources, Agriculture, and Mining.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 77 be re-referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 17, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 18, 90, 166.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 9, 37, 53.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: Ande Engleman, THE NEVADA FILES; and Lorna McDaniel, THE RECORD COURIER.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Neighbors:

Assembly Bill No. 283—An Act relating to state financial administration; revising the provisions governing the distribution of revenue received by the state from the lease of federal land; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 284—An Act relating to private investigation; clarifying that a license issued by the private investigator's licensing board is a revocable privilege; providing immunity from civil liability under certain circumstances for members, employees or agents of the board and witnesses testifying before the board; requiring the sheriff in certain counties to submit the fingerprints of certain applicants for work cards to certain state and federal agencies to determine the criminal history of the applicants; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 285—An Act relating to the state board of professional engineers and land surveyors; revising the provisions governing the

distribution by the board of the roster of registered professional engineers, land surveyors and interns; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 286—An Act relating to homeopathic medicine; making various changes to provisions governing homeopathic medicine; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 287—An Act relating to counties; requiring a board of county commissioners to provide a property owner with notice, a hearing and an appeal before recovering expenses incurred by the county for the abatement of certain conditions on the property; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 288—An Act relating to state personnel; limiting the use of independent contractors by state agencies; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 289—An Act relating to public records; requiring a governmental entity to make certain public records in its custody available to a person to inspect, copy or prepare an abstract or memorandum therefrom in certain circumstances; requiring a governmental entity to establish and maintain a roster of employees; requiring a governmental entity to ensure that the purchase of certain equipment will not impair or impede the ability of the entity to make public records available; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 290—An Act relating to liens of hospitals; creating a lien upon certain insurance coverage; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 9.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 18.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 37.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 53.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 90.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 166.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Infrastructure:

Assembly Bill No. 291—An Act relating to taxation; imposing sales and use taxes for water and wastewater facilities in certain larger counties; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 76.

Amend section 1, page 1, lines 10 and 11, by deleting: "*subsection and subsection 4,*" and inserting "*subsection,*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 72.

Amend sec. 3, page 2, by deleting line 11 and inserting: "*a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484.219.*

The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.".

Amend sec. 6, page 3, by deleting lines 30 through 33 and inserting:

"(d) *Was injured or killed while serving a sentence of imprisonment in a prison or jail;*

(e) Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to chapter 62 of NRS; or

(f) Fails to cooperate with law enforcement agencies. Such cooperation".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 77.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

There is no limitation of the time within which a prosecution for sexual assault must be commenced. Such a prosecution may be commenced at any time after the sexual assault was committed.".

Amend section 1, page 1, by deleting lines 7 through 9 and inserting:

"2. Any [other] felony *other* than murder, theft, robbery, burglary,".

Amend the bill as a whole by adding new sections designated sections 3 through 5, following section 1, to read as follows:

"Sec. 3. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085 and 171.090 after the discovery of the offense unless a longer period is allowed by paragraph (b).

(b) An indictment must be found, or an information or complaint filed, for any offense, constituting sexual abuse of a child, as defined in NRS 432B.100, *except sexual assault pursuant to NRS 200.366,* before the victim of the sexual abuse is:

(1) Twenty-one years old if he discovers or reasonably should have discovered that he was a victim of the sexual abuse by the date on which he reaches that age; or

(2) Twenty-eight years old if he does not discover and reasonably should not have discovered that he was a victim of the sexual abuse by the date on which he reaches 21 years of age.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 4. The provisions of this act apply to a person who committed a sexual assault before the effective date of this act if the applicable statute of limitations has commenced but has not yet expired on the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.".

Amend the title of the bill, first line, by deleting "increasing" and inserting "eliminating".

Amend the summary of the bill, first line, by deleting "Increases" and inserting "Eliminates".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 75.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend sec. 3, page 1, line 7, by deleting "three".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 3 and 4.

Amend sec. 6, page 2, line 4, by deleting: "3 to 5, inclusive," and inserting: "2 and 3".

Amend sec. 6, page 2, by deleting line 7.

Amend the title of the bill by deleting the second and third lines and inserting: "district; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Assemblyman Anderson requested that his remarks be entered in the Journal.

For the knowledge of the members, the committee has further requested that a second bill draft be requested, so a similar bill will come forward dealing with the family court judges in a separate issue so that it more properly can be addressed on its own merits.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 84 be re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 83.

Amend section 1, page 2, line 7, by deleting "*provide for*" and inserting: "*provide:*

(a) That any proportional matching funding that is required of the state to receive related federal assistance be paid from the fund; and

(b) For".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Evans.

Amendment lost.

Bill ordered to third reading.

Senate Bill No. 17.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 73.

Amend section 1, page 1, line 10, by deleting "*The*" and inserting: "*2. The*".

Amend section 1, page 1, line 11, by deleting "*subsection*" and inserting "*section*".

Amend section 1, pages 1 and 2, by deleting lines 12 through 15 on page 1 and lines 1 through 3 on page 2.

Amend sec. 3, page 2, line 41, by deleting "Six" and inserting "[Six] *Four*".

Amend sec. 3, page 3, line 28, by deleting "*prosecution*" and inserting "*law*".

Amend sec. 4, page 4, line 27, by deleting "*40*" and inserting: "*not less than 16*".

Amend sec. 4, page 4, line 29, by deleting "*40*" and inserting: "*not less than 16*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Senate Bill No. 17 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 224 considered engrossed, declared an emergency measure under the Constitution and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 224.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 224:

YEAS — 40.

NAYS — None.

Excused — Carpenter, Close—2.

Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Perkins moved that all rules be suspended and that Assembly Bill No. 224 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 237.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Assembly Bill No. 237:

YEAS — 40.

NAYS — None.

Excused — Carpenter, Close—2.

Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 14 of the 68th Session.

Resolution read third time.

Remarks by Assemblymen Giunchigliani and Price.

Roll call on Assembly Joint Resolution No. 14:

YEAS — 40.

NAYS — None.

Excused — Carpenter, Close—2.

Assembly Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 48.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 48:

YEAS — 40.

NAYS — None.

Excused — Carpenter, Close—2.

Senate Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that the vote whereby Assembly Bill No. 277 was referred to Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 277 be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 72, 78, 89; Senate Concurrent Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Ayse Danisoglu.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Ghada Ali Moussa.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Ayesha Shahid.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Hall, John Linscott and Sandy Linscott.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Zainab Al-Harbi.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Marjana Najcevska.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Bates and Keith Conrad.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Bob McGowan.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Helen D'Amato.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Dunuan.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Shari Avance Buck.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 20, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SIXTIETH DAY

CARSON CITY (Thursday), March 20, 1997

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Stan Pesis.

I attended a seminary in downtown St. Louis. A busy street passed below our classrooms and the lectures were often punctuated with the sounds of sirens, police cars, fire trucks and ambulances speeding by on their way to crucial business. Most of the time the professors merely paused until the ruckus ended. But as those emergency vehicles interrupted one class, that professor could be heard to respond, "Go baby, go." Lord, when the eyes of Your people see buildings and people threatened by flames; when the ears of Your people hear the wails of vehicles speeding to save property and lives; when the lips of Your people plead, go baby, go; Lord, go baby, go with those men and women dedicated to such service. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 19, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 10.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen de Braga, Ohrenschall, Amodei, Segerblom, Buckley, Lee, Parks, Neighbors, Marvel, Von Tobel, Humke, Herrera, Goldwater, Arberry, Anderson, Bache, Freeman, Lambert, Braunlin, Koivisto, Gustavson, Cegavske, Sandoval, Mortenson, Collins, Chowning, Ernaut, Hettrick, Perkins and Giunchigliani:

Assembly Concurrent Resolution No. 7— Encouraging the purchase of local agricultural products.

Assemblywoman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 6—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Betty J. Phenix is elected as an additional attaché of the Assembly for the 69th session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ohrenschall, de Braga, Buckley, Koivisto, Manendo, Anderson, Herrera, Segerblom, Perkins, Sandoval, Berman, Amodei, Marvel, Humke, Gustavson, Von Tobel, Goldwater, Arberry, Freeman, Bache, Lambert, Parks, Cegavske, Braunlin, Lee, Collins, Mortenson, Chowning, Williams, Neighbors, Tiffany, Hickey, Evans, Krenzer, Nolan, Price, Dini and Giunchigliani:

Assembly Bill No. 292—An Act relating to the estates of decedents; setting a limit for their closing; providing exceptions; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 293—An Act relating to district courts; increasing the number of judges in the eighth judicial district; increasing the number of the district judges that must be judges of the family court; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 294—An Act relating to gaming; authorizing the discretionary investigation of certain persons associated with a gaming licensee; expanding the classification of persons prohibited from being associated with a gaming licensee; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 295—An Act relating to state employees; revising the provisions governing the composition of the classified service and the unclassified service of the state; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 296—An Act relating to unincorporated towns; requiring the title and summary of certain proposed ordinances to be published before the meeting at which the ordinance is to be adopted or otherwise acted upon by the town board or board of county commissioners; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 10.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 174.

Bill read second time and ordered to third reading.

Senate Bill No. 14.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 22.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 22.

Assemblywoman Lambert moved the adoption of the resolution.

Remarks by Assemblymen Lambert, Anderson, Hettrick, Ernaut and Amodei.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN LAMBERT:

We see fires on TV, and they look very awesome and very dangerous. Well, I was an eyewitness to this one—frankly, all too close. I could look out my upstairs window, across I-80 and the Truckee River and see this fire just eat up everything before it. The arsonist started the fire just as the wind began picking up in the afternoon—the resolution says 30 miles an hour, but you can't prove it by me. You could hardly stand up in that wind.

The fire moved faster than any person could possibly run ahead of it; probably faster than you could drive in front of it. In a very short period of time, with phenomenal coordination, there was an army of people fighting the fire from the ground and from the air. I saw some things that really, I think, redefined my definition of heroism. I could see the house that is across the street from mine by the Steamboat Ditch, and there was a fire truck parked by the house. They had evacuated the residence, and the fire had burned up to the house. It is a two-story house, and the flames were two or three times higher than the house. The firefighters were there; they stayed there as the flames burned around the house, and when the smoke cleared and I could see again, the house was still standing. The firefighters were still there. They stayed there all night, and as the fire flared again and again, they put it out, and in the morning, the house was still there and the firefighters were still there. If you could only see what they were up against—the courage that they displayed was incredible.

I would hope that you would support this resolution. It took tremendous coordination of many, many people with phenomenal courage to put this fire out, and we owe them all a debt of gratitude. It is really an honor to be able to express our appreciation, and I hope you will join me in approving SCR 22. Thank you.

ASSEMBLYMAN ANDERSON:

I also rise in support of the resolution. I had the great fortune of only having to witness this travesty and this fire via the television rather than being an eyewitness to it as my distinguished colleague from the western section of Washoe County has reported to you already.

I wanted to point out, however, that this resolution also speaks to the joint efforts of the Nevada Division of Forestry. In one of its Friday "weekend with Bernie" trips, the Judiciary Committee recently toured the Silver Springs Facility Conservation Camp. The women at that facility provided services for the Nevada Division of Forestry, and that conservation camp is, of course, part of one of the programs we do through the prison system. Often times we think our efforts in supporting such programs prove for naught, and this is one clear example of

where we've put a program together that helps every citizen and raises the worth of human dignity. I think this resolution speaks well for the people who did this, but also for our support, and I want to rise in support of it.

ASSEMBLYMAN HETTRICK:

I, too, rise in support of this resolution. I don't want to take away, in any way, from this resolution and the recognition of the people who fought at the Belli fire. I would just like to point out that many of these same agencies fought multiple fires within the State of Nevada, including one in Douglas County, and I'd like to recognize them verbally, with this resolution going through, for the job they did down there in very trying conditions.

My secretary, Linda Cooper, had photographs of the fire up in the office—the fire that came right up to the back door of her house and the fighting that went on there to try to save her house, which they did. We did lose four homes there before fire staff could get to Douglas County and help. I definitely want to rise in support and honor the people who fight fires all over the State of Nevada, not just Belli, but certainly support them for that, as well.

ASSEMBLYMAN ERNAUT:

I, too, would like to stand and voice my support for SCR 22. I think anybody that's lived in Nevada a long time, especially in the rural parts of our state, knows the feeling in their stomach when they look up in the sky and for the first time see a cloud of dark smoke rising up into the air and know that somewhere there's a fire.

Like Mrs. Lambert, I was very close to the Belli Ranch fire. As a side note, the fire was roaring towards District 37 until the Division of Forestry got involved and they diverted it successfully to Mr. Sandoval's district, right at the Steamboat Ditch. On a serious note, we were at the edge of Caughlin Ranch helping friends move personal belongings from their homes as the fire raced towards Caughlin Ranch at about 40 miles an hour. The flames were three and four stories high, and I'll never forget—I still get choked up thinking about it—I'll never forget the fire line as they knelt and pulled their helmets down and said, "It stops here." And it did. That was courage beyond anything I've ever personally seen in my life, and I just want to say thank you very much.

ASSEMBLYMAN AMODEI:

Being raised in the NDF family, as my father is a retired NDF employee, and seeing the state forester and some of his folks over at Mrs. Lambert's desk, I just want to rise in support of this resolution also and urge you to provide the support that it surely deserves.

Resolution adopted.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No 17.

REMARKS FROM THE FLOOR

Assemblyman Price requested that Assemblyman Ernaut's remarks be entered in the Journal.

I wanted to give everybody an update. Many of you have asked, and I really appreciate that. Tomorrow morning at 6 a.m., we're going to go in and induce pregnancy—I got the process a little backwards. God, my mind is way away from here. We're going to induce labor, so hopefully by somewhere around this time tomorrow, I'll be a dad. I know that it's going to happen this time because my wife just called me and said that she and my mother-in-law had gotten in an argument over the Winnie the Pooh wallpaper border, so I know that it must be time. Thank you for everybody's cards and letters and really nice thoughts and comments, and

hopefully when I see you all on Monday morning—if I do see you all on Monday morning—I'll be a less rested, but proud father.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Cindi Byrns.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Courtney.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Wes White.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Greenhaw.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Rodger Craig.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Shellie Hunt.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Roy Trenoweth, Steve Frady, Rich Riolo, Dick Boykin and Mike Dondero.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Barry Cason.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda McDonald.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Kit Morse.

Assemblyman Perkins moved that the Assembly adjourn until Monday, March 24, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:51 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), March 24, 1997

Assembly called to order at 11:26 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ernaut, who was excused.

Prayer by the Chaplain, The Reverend Richard H. Campbell.

We come before You this day with gratitude in our hearts for Your many blessings to us. We praise You for Your many blessings to us. We praise You for Your presence here and ask Your blessing upon this Assembly. Their tasks are enormous, give them strength; important, give them wisdom; humane, give them compassion. Grant them Your blessing and also bless our State and our Nation now and in the future. We pray in Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 63.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 147.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 43, 46, 125.

MARY JO MONGELLI
Assistant Secretary of the Senate

By Assemblymen de Braga, Amodei, Segerblom, Buckley, Lee, Parks, Neighbors, Freeman, Sandoval, Mortenson, Hettrick, Anderson, Gustavson, Cegavske, Braunlin, Lambert, Bache, Ernaut, Giunchigliani, Arberry and Williams:

Assembly Concurrent Resolution No. 8—Directing the Legislative Commission to conduct an interim study of certain policies and practices of the University and Community College System of Nevada.

Assemblywoman de Braga moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Dini, Segerblom, de Braga, Ohrenschall, Hickey, Amodei, Anderson, Parks, Mortenson, Sandoval, Collins, Lee, Koivisto, Gustavson, Berman, Braunlin, Nolan, Manendo, Ernaut, Herrera, Buckley, Carpenter, Tiffany, Marvel, Neighbors, Bache, Williams, Arberry, Von Tobel, Price, Chowning, Krenzer, Giunchigliani, Perkins, Freeman, Cegavske, Goldwater, Humke, Close, Hettrick and Lambert:

Assembly Concurrent Resolution No. 9—Designating April 16, 1997, as E Clampus Vitus Day at the Nevada Legislature.

WHEREAS, It has come to the attention of the Nevada Legislature that the Ancient and Honorable Order of E Clampus Vitus has maintained its honorable status throughout the known world and especially in this great State of Nevada; and

WHEREAS, The Ancient and Honorable and Exceedingly Humble Order of E Clampus Vitus has survived the test of time to become one of the longest surviving brotherhoods of men that continues to fulfill a fundamental need in providing protection and kindness while advancing the noble cause of Clamperdom to residents of the Silver State, especially all the "widders" and orphans, and descendants of the argonauts; and

WHEREAS, The Honorable Order of E Clampus Vitus was founded in West Virginia in 1845 by Ephram Bee, owner of a tavern on the National Road, and shortly thereafter the warmhearted brothers affectionately became known as the "Clampin Vipers"; and

WHEREAS, In 1860, William Stewart founded the first Ancient and Honorable Order of E Clampus Vitus, Winnemucca Lodge #1, in the Utah Territory, in the unsuspecting peaceful town known as Carson City; and

WHEREAS, The creed of the Clamproctors, yesterday, as well as today, is "to protect the 'widders' and orphans, and MAINLY the 'widders' "; and

WHEREAS, The State of Nevada is proud to continue the tradition of 152 years of devoted service with the Nevada chapters which now include the Snowshoe Thomson Chapter of Douglas County, the Julia C. Bulette Chapter of the Comstock and the Lucinda Jane Saunders Chapter of Elko County, named for some of Nevada's most famous and influential residents; and

WHEREAS, In 1977, the Transierra Roisterous Alliance of Senior Humbugs (TRASH), a nonprofit fraternal organization composed of truly dedicated Clampers, was incorporated with the Secretary of State, continuing the furtherance of historical data of the great State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th session of the Nevada Legislature, of whom many are proud members

of E Clampus Vitus, do hereby declare April 16, 1997, as E Clampus Vitus Day at the Nevada Legislature, a day to be marked by appropriate revelry and thanksgiving; and be it further

RESOLVED, That the Honorable and Ancient Order of E Clampus Vitus is praised and commended for its contributions to mankind and others, and recognized as an illustrious group of Clampers, Clampatrious, Vituscans and Frolicking Friars who must continue to serve and protect the residents of the Silver State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Clamp Patriarch, Peter Van Alstyne, and to Mr. John W. Riggs, Sr.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

Assemblyman Anderson moved that Assembly Bill No. 243 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Ohrenschall, Collins, Manendo, Perkins, Nolan, Evans, Krenzer, Price, Lambert, Parks, Koivisto, Lee, Chowning, Ernaut, Hettrick, Williams, Berman, de Braga, Neighbors, Marvel, Von Tobel, Humke, Close, Goldwater, Giunchigliani, Arberry, Anderson, Bache, Freeman and Segerblom:

Assembly Bill No. 297—An Act relating to manufactured housing; imposing liability on certain unlicensed persons who cause damage to mobile homes, manufactured homes and commercial coaches; placing conditions on the withdrawal of money from a dealer's trust account; clarifying that a contractor's license does not authorize a contractor to construct or repair such manufactured housing; providing that the construction or repair of manufactured housing by a contractor is a ground for disciplinary action under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 298—An Act relating to prisoners; providing a procedure for expeditious consideration of an application for commutation of the sentence of certain terminally ill or physically incapacitated prisoners; allowing the state board of pardons commissioners to make a decision on the application without a formal meeting; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 299—An Act relating to state financial administration; making an appropriation to the Department of Prisons and revising the reversion for certain previously appropriated money for the purchase of vehicles, computer hardware, telephone systems, and laundry and kitchen equipment; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Sandoval:

Assembly Bill No. 300—An Act relating to real estate licenses; authorizing the issuance of real estate broker's, broker-salesman's and salesman's licenses to limited-liability companies and their agents; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 301—An Act relating to taxation; authorizing the imposition, upon approval of the voters, of a sales and use tax for constructing and equipping a hospital in Elko County; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Von Tobel, Nolan, Buckley, Cegavske, Hettrick, Segerblom, Gustavson, Chowning, Amodei, Mortenson, Hickey, Parks, Manendo, Sandoval, Price, Williams, Herrera, Anderson, Humke, Ernaut, Lambert, Carpenter and Arberry:

Assembly Bill No. 302—An Act relating to state parks; designating Tule Springs State Park; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 43.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 46.

Assemblyman Perkins moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

Senate Bill No. 125.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 147.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 49.

Amend section 1, page 1, line 10, by deleting: "[January] *June* 1" and inserting: "[January 1] *the first Monday in May*".

Amend sec. 2, page 2, lines 15 and 16, by deleting: "Tuesday in [March]" and inserting: "[Tuesday in March] *Monday in*".

Amend sec. 2, page 2, line 17, by deleting: "first Tuesday in June ." and inserting: "[first Tuesday in June.] *third Monday in May.*".

Amend sec. 3, page 5, lines 8 and 9, by deleting: "Tuesday in March" and inserting: "[Tuesday in March] *Monday in May*".

Amend sec. 3, page 5, line 29, by deleting: "Tuesday in [March] *June*" and inserting: "[Tuesday in March] *Monday in May*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Anderson, Price and Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 80:

YEAS — 41.

NAYS — None.

Excused — Ernaut.

Assembly Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 97:

YEAS — 41.

NAYS — None.

Excused — Ernaut.

Assembly Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 174:

YEAS — 41.

NAYS — None.

Excused — Ernaut.

Assembly Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 14.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 14:

YEAS — 41.

NAYS — None.

Excused — Ernaut.

Senate Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:23 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolutions Nos. 18, 19, 20.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Dusty Rhodes and Kay Greene.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Stay.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Lee Alger.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Leo Penne.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, March 25, 1997 at 10:45 a.m.
Motion carried.

Assembly adjourned at 12:24 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), March 25, 1997

Assembly called to order at 10:45 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Williams, who was excused.

Prayer by the Chaplain, The Reverend Richard H. Campbell.

We humbly pray to You for the people of this Nation in general and the citizens of Nevada in particular. Be gracious to us all this day. Especially bless this Assembly as it deliberates on our behalf. May their actions be to Your glory and to the safety, honor and welfare of the people. May Your work this day be upon the best and surest of foundations; that peace, happiness, truth and justice may be established among us. Accept now our thanksgiving for Your presence in our lives. We pray in Your Glorious Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Amodei and Cegavske to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative James A. Gibbons.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 25, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 224.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 149, 191.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 29, 91, 92, 93.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goldwater, Buckley, Herrera, Giunchigliani, Ohrenschall, Perkins, Anderson, Bache and Evans:

Assembly Bill No. 303— An Act relating to tenancies; prohibiting a landlord of a dwelling unit from terminating a tenancy except for cause; requiring such a landlord to pay interest on the security deposit of a tenant; limiting the amount that may be charged by such a landlord for cleaning; allowing a tenant of such a landlord to withhold rent under certain circumstances; prohibiting a landlord from providing for the nonadmittance of certain tenants; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 304—An Act relating to gaming; providing immunity to certain persons from civil liability for certain disclosures of information regarding a cash transaction; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 29.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 91.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 92.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 93.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 149.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 191.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 150.

Bill read second time.

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

Amendment No. 109.

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

"Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon approval of the state board of finance, a state agency may enter into contracts with issuers of credit cards or debit cards to provide for the acceptance of credit cards or debit cards by the agency:

(a) For the payment of money owed to the agency for taxes, interest, penalties or any other obligation; or

(b) In payment for goods or services.

2. Before a state agency may enter into a contract pursuant to subsection 1, the agency must submit the proposed contract to the state treasurer for his review and transmittal to the state board of finance.

3. If the issuer charges the state agency a fee for each use of a credit card or debit card, a contract entered into pursuant to subsection 1 must include:

(a) A provision that requires the state agency to pay the fee charged by the issuer for the use of the credit card or debit card; or

(b) A provision that authorizes the state agency to collect a service charge from the cardholder for the use of the credit card or debit card.

4. A state agency may collect a service charge from a cardholder in an amount not to exceed the fee that the issuer charged the agency for the use of the credit card or debit card unless the contract entered into pursuant to subsection 1 prohibits the collection of such a charge.

5. If, pursuant to paragraph (a) of subsection 3, the state agency is required to pay the fee charged by the issuer for each use of a credit card or debit card, the payment of such fees by the agency shall be treated as any other administrative cost of the agency.

6. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Credit card" means any instrument or device, whether known as a credit card or credit plate, or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(c) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(d) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

(e) "State agency" means an agency, bureau, board, commission, department, division or any other unit of the executive department of state government.

Sec. 2. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local government may enter into contracts with issuers of credit cards or debit cards to provide for the acceptance of credit cards or debit cards by the local government:

(a) For the payment of money owed to the local government for taxes, interest, penalties or any other obligation; or

(b) In payment for goods or services.

2. If the issuer charges the local government a fee for each use of a credit card or debit card, a contract entered into pursuant to subsection 1 must include:

(a) A provision that requires the local government to pay the fee charged by the issuer for the use of the credit card or debit card; or

(b) A provision that authorizes the local government to collect a service charge from the cardholder for the use of the credit card or debit card.

3. A local government may collect a service charge from a cardholder in an amount not to exceed the fee that the issuer charged the local government

for the use of the credit card or debit card unless the contract entered into pursuant to subsection 1 prohibits the collection of such a charge.

4. If, pursuant to paragraph (a) of subsection 2, the local government is required to pay the fee charged by the issuer for each use of a credit card or debit card, the payment of such fees by the local government shall be treated as any other administrative cost of the local government.

5. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Credit card" means any instrument or device, whether known as a credit card or credit plate, or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(c) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(d) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

(e) "Local government" has the meaning ascribed to it in NRS 354.474.".

Amend the title of the bill by deleting the second and third lines and inserting: "with issuers of credit cards or debit cards to provide for the acceptance of such cards by those entities for certain payments; and".

Amend the summary of the bill to read as follows: "Summary—Authorizes governmental entities to contract with issuers of credit cards or debit cards to provide for acceptance of such cards by those entities for certain payments. (BDR 31-271)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 62.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

The Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:06 a.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senators Neal, Porter and Townsend, who were excused.
The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Williams, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Mathews and Assemblyman Hettrick to wait upon Representative James A. Gibbons and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable James A. Gibbons, United States Representative for Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted Representative Gibbons to the rostrum.

The Speaker of the Assembly welcomed Representative Gibbons and invited him to deliver his message.

Representative Gibbons delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SIXTY-NINTH SESSION, 1997

Thank you very much, Mr. Speaker, President Hammargren, Senator Raggio, Senator Titus, Assemblyman Perkins, Assemblyman Hettrick, members of the Legislature, Supreme Court Justices, constitutional officers, and fellow Nevadans.

Please allow me to take a brief moment to make a special introduction of someone who is very special to me and well known to many of you. During my service in Desert Storm in 1991, she served in this body as an assemblywoman. Let me introduce my wife, Dawn.

As I look out over this august body in this great chamber, I am reminded of my first experience as a state assemblyman. I was a freshman then, and eight years later, I'm still a freshman. I look over at the chair where Assemblywoman Ohrenschall sits, and I remember that I once sat there too, only it wasn't in one of those nice, inviting, $750 chairs. Hopefully, they're not too comfortable because we wouldn't want the session to go on any longer.

Legislators in our state are far more sensible than those in Washington. In both houses of Congress, there are two separate wings with an aisle separating them. All of the Democrats sit on the left, and all of the Republicans sit on the right. In Nevada, we have it exactly correct. Democrats and Republicans sit among each other and work together for the benefit of all Nevadans, despite political affiliations. Because you know, as well as I do, that good legislation is the result of both sides working together, shaking hands rather than shaking fists. It is indeed a pleasure to return to Carson City, and I see so many friends who I always looked upon for sage advice. In this very room, I developed fond memories, lasting friends, and a great respect for public service. My first experience and exposure to the legislative process

was during the 1989 session when I was just a typical beginner. My predecessor had encouraged me to take on a simple bill that he had requested before his departure. It was A.B. 55, and it had nothing to do with the speed limit. This bill prohibited that ghastly practice of living in storage sheds, and that "legislative trial balloon," as Speaker Dini called it—gee, you were just in your fourth term as speaker then—was referred back to the desk of Mouryne Landing, now Mrs. Dini. I believe it went from third reading and final passage back to the desk a record 10 times before it was ever passed. So to you 12 freshman in the class of 1997, I offer you this advice: Be very cautious about ideas your forerunner may suggest you undertake. Sometimes there is a reason why they didn't, they wouldn't, or they couldn't do it themselves.

I look out and I see Senator Mike McGinness. Mike and I entered the legislature in 1989 as freshman members of the Assembly. Mike was always bemusing the fact that he represented such a large area of the State of Nevada. Well, Mike, I know exactly how you feel now. So many miles and so little time between campaigns. Each crusade is an odyssey of adventure, always finding out more about our independent heritage and western spirit. But it is here, in Carson City, where I learned so much from so many people about government service.

Senator Bill Raggio is one of Nevada's true legends and respected statesmen. He is a straight shooter, calls it like it is, and if it's a bad bill, like the ticket scalping bill in 1993, he's been known to send his "subtle veto" on such things. I believe one of the biggest travesties in Nevada's political history is not sending Bill Raggio to the United States Senate. It would have been exciting to see Bill Raggio work his magic in Washington, especially with some of the egos back there. Bill, maybe you'll reconsider that one of these days; however, I believe that Dottie will exercise her veto first.

It is also in this chamber that you so warmly welcomed my wife, Dawn. When I received a call to the Persian Gulf, she displayed as much courage as anyone I know. Before driving to Carson City each morning, Dawn would watch General Norman Schwarzkopf's and Colin Powell's morning press conference. Painfully aware of the events taking place on the other side of the world, she served the 23rd Assembly District with enthusiasm, sensitivity and strength. Each day she would pray for the war to end and for me to return home safely and quickly—just so she could give this job back to me!

Dawn is my finest wing man, but let me thank some very special legislators for taking her under their noble wings: Assemblywomen Jan Evans, Joan Lambert, Sandie Krenzer, and the indomitable Assemblyman Bob Price. You encouraged and helped her each day, and we will be forever grateful to you. This experience taught me the power of human character, candor and compassion that so many public servants here in Nevada have.

The value of a good education is critical to our nation's future. We must support the goal of having every child able to read by the time they are eight years old, and please allow me to stipulate that I believe that that should be in English. For this vision to succeed, we must determine what works and what doesn't work and what will work in the future for our schools. Historically, one aspect of learning has proven itself that it is the teaching of reading, writing, math, and science, the basic foundation of every child's education. In this search for what works, let me introduce to you an educational success story here in Nevada.

In rural Nevada, 60 miles southwest of Ely, is Duckwater. Duckwater is a one-room schoolhouse. It's not fancy; it's not elaborate. In Duckwater, their schoolteacher is an historic person. Their teacher teaches students of all walks of life—Native American, ranching and farming kids, migrant workers' children, and children from the oil and gas area out there. For 35 years, Edna Foresgren has focused on the basics of math, English, reading, writing, history, and geography. A vast majority of her students go on to receive a higher education, a higher degree. Many of her students receive college degrees and Ph.D.s; some are veterinarians, some are doctors. For 35 years, Edna has taught in this one-room school class and schoolhouse, focusing on the education of her children, teaching the basics and sending these kids, with that foundation, to college. Let me introduce to you a 1997 Michael Milken nominee for Teacher of the Year in the Nevada area, Edna Foresgren.

What I'd like to do now is introduce to you my idea of an unconventional backpack for our children. This is an ample book carrier, of course, for a future student at "Bernice Mathews Elementary School." Now, this backpacker must be a political activist, because attached is a campaign bumper sticker, and I guess we've advanced in time because here is Megan Miller, the governor's youngest daughter, running for President of the United States. I'll bet she'll win. Inside this backpack is this traditional pencil, which will probably still be around late in the 21st century, and four books: English ("property, Bernice Mathews Elementary School"); math; science; history. These are tools needed before one prepares to move on to the computer.

Sometimes the more things change, the more they stay the same. Much has been said about computers right here in this building. These are wonderful tools—computers and the Internet, but they are simply two of many. They haven't, they can't, and they never will replace the books in our libraries because reading builds those fundamental skills and critical thought processes that are necessary for a child's early training and a continual life of education for an adult.

One solution to this process is to engage parents more in the decisions and outcome of their children's educations, and in this effort I am reminded of the story of Ben Carson. Ben Carson, a young black boy growing up in Harlem, New York, was living in poverty. He had a mother, but no father. By the time Ben had reached the eighth grade, he could barely accomplish second grade work. Failing at school, on the verge of turning to a life of crime to find his way out, Ben's mother decided to get involved—to change the future of her son's life. Ben's mother, although she was very poor, knew the value of reading and writing. She made young Ben Carson walk to the local library and read just two books a week and write her a book report on the subject of each of those books. Within just one year, Ben Carson went from failing every subject to being the top honor graduate of the ninth grade. Ben Carson graduated from high school as the valedictorian and Phi Beta Kappa from Harvard. Now he is the chief of pediatric neurosurgery at Johns Hopkins University.

Instead of being a statistic, Ben Carson is a success story, all because he was made to read. By the way, when Ben was required by his mother to read those two books and to write those book reports, little did Ben know that his mother could not read or write herself. Seeing the success and watching the triumph of her son encouraged her to learn. Today, Ben Carson's mother holds an honorary doctorate degree from New York State University.

The lessons are clear. For the future of our children, schools need to be safe places where children aren't threatened; a secure haven where they're able to learn more, not less. We all know education resource dollars are far too scarce. It is up to all of us to make the most out of those limited support funds. We cannot afford to needlessly waste one penny. Whether it is in Washington or here in Carson City, we must seek new solutions that allow us to realize our vision and obtain our goals. As we prioritize where to spend taxpayer dollars, we must always commit to spending them in our classrooms where they will have the greatest impact. Our money should be reserved for our children and our teachers, not for Washington bureaucrats.

We all agree with the President on his commitment to address the wave of juvenile crime and the affliction of drugs that is washing over our nation. In this battle, our commitment must be aggressive, strong, and powerful. As parents, we must engage ourselves in the academic process as well as the academic environment of our children.

At this time, please indulge me. I would like to introduce my young son, Jimmy. Jimmy is one of three reasons why I decided to run for Congress, and he's on break from school. He attends year-round school while his older brother and sister are still attending classes in Reno at the University of Nevada. As products of Nevada's fine public education system, I am proud that they have been schooled here in Nevada. Our greatest assets are our children. They are our future and our best investment.

Let me move on. Personal freedom has enabled America to become the richest and most prosperous country on earth. As prosperous as we are, however, it is equally important to remember that children, veterans, seniors, and disabled should never be hungry, homeless,

helpless or abused. This is not a Republican issue, it is not a Democrat issue, but a human one. It demands compassionate solutions.

To help seniors, Congress is tasked with ensuring the solvency of the Social Security Trust Fund. It is a number one priority in this term's agenda. We have been informed that Social Security will be broken in 32 years. That means busted and bankrupt. It is very bad news for seniors and those of us who are baby boomers. We cannot allow this to happen. For those of us planning to be around in the year 2029, we must do everything in our power to save Social Security. After all, it is our money.

To help with this, I have co-sponsored the Social Security Preservation Act of 1997. This will require the managing trustees of the Social Security Trust Fund to invest the annual surpluses of the trust funds into federally-insured, interest-bearing securities and certificates of deposit. This will prevent those notorious spendthrifts on Capitol Hill from using it to balance the budget.

Also at the top of our congressional priorities for our families and our children's future is balancing the federal budget. Three weeks ago, the amendment to balance the budget failed by just one vote in the United States Senate. It seems clear that the weak link in our federal government is fiscal responsibility. I am a proponent of the balanced budget amendment, and I will continue to fight for its passage. Seventy to 80 percent of the American people support a constitutional amendment to force Washington to live within its means. The public has to balance its own checkbook, and they demand the same of Washington. Now, some will argue that a constitutional amendment isn't necessary, but a close look at recent federal budgets show a completely different story. The federal budget hasn't been balanced in the past 28 years. Our nation's debt now stands at well over $5 trillion. The latest proposal from the President shows a deficit of nearly $70 billion. If we persist down this path, it will ultimately lead to continual higher and higher taxes for every working American.

Washington has proven itself, that it doesn't have the discipline necessary to balance the budget, and that is why an amendment to the Constitution is necessary and expedient. If we don't balance the budget, that bridge to the future may become the "bridge over troubled waters."

Besides balancing the budget, Congress must reform our tax system. In just three weeks, you and I and millions of other Americans will struggle with our Internal Revenue Code in a desperate attempt to determine our tax obligation. I am committed to reforming the current tax rules. These rules are so complex that it is extremely difficult, if not impossible, for the average person to understand, let alone a $4 billion computer that was paid for to solve the problem of figuring out the Internal Revenue Code. You shouldn't have to hire a certified public accountant or a tax attorney to do something that you are obligated to do every year.

Next month, I will be joining Representative Jennifer Dunn in championing the Internal Revenue Service Accountability Act. Many constituents have complained about the numerous problems with our system of taxation. One of the major concerns is the intrusive nature of the IRS. This bill will bring greater accountability to this agency, from the commissioner on down to the field agent. We need to provide a more civilized, if not gentler and kinder, Internal Revenue Service, as well as a reformed tax system that is flatter, fairer, and simpler for all Americans.

Recently, we heard about an elderly gentleman in Fallon whose health was failing. He had achieved what we used to call the "American Dream." He had founded a small and successful family business. Unfortunately, he was not using the remaining time of his life to reflect on his happy years with his loved ones. Instead, he was concerned with their future, having to worry about how his children would pay his death tax without selling the family business and the family home. It is unfair. The estate tax, or death tax, is one of the worst provisions of the existing tax code. This is why I am proud to support the Family Preservation Act. This bill completely repeals the estate and gift taxes. These taxes penalize families who have worked so hard to provide financial security for themselves and their children and grandchildren. These people who saved for that "rainy day" or for their "golden years" are finding out that it was all for nothing. The truth was discovered too late. They learned that they had only scrimped and

saved and sacrificed for some stranger in government to feast upon while their children are left a pittance. Repealing the estate tax, reducing or eliminating the capital gains tax, and making the income tax easier, flatter, and fairer are worthy first steps in easing America's tax burdens and making it more equitable.

Sometimes, Washington has its priorities all out of balance. Rather than worrying about how to obtain an extra dime from an individual who is being laid to rest, they should be focusing on how to extend and prolong lives in the first place. Following in the footsteps of my predecessor and respected colleague, Barbara Vucanovich, I am proud to join many of my colleagues in Congress in the fight against breast cancer. This disease is the second-leading cause of cancer deaths among American women. Last year it claimed the lives of some 44,000 mothers, wives and daughters. Preventative medicine and concentrated efforts toward improving the patient's quality of life will greatly decrease the incidence of this devastating disease and improve survival rates.

I am proud also to have attached my name to two bills which address these goals. The Breast Cancer Early Detection Act, which was introduced by my southern colleague, John Ensign, will ensure coverage of annual mammograms under Medicare. Yearly mammograms will lead to early detection when treatment options are most promising. The Women's Health and Cancer Rights Act of 1997 will end the gruesome practice of "drive-through mastectomies." It will ensure coverage of inpatient hospital care following surgery. This bill is comprehensive legislation that returns personal medical decisions to the patient and her attending physician.

As we work to improve the health of all Americans, we must also work to improve the quality of life for working families. I supported the Working Families Flexibility Act. This bill will allow employers to offer their employees a voluntary option of selecting paid compensatory time off instead of overtime wages. This alternative will effectively make it easier for working mothers and fathers to balance their work and family lives. It will allow parents the time off to care for sick or injured children. It will allow them to attend parent-teacher conferences or even a child's piano recital.

A major project of the first session of the 105th Congress is also the reauthorization of the Intermodal Surface Transportation Efficiency Act, commonly and affectionately known as ISTEA. Each member of Congress was required to submit to the Transportation and Infrastructure Committee a proposal for highway project funding in their district. I want Nevada's tax dollars to be returned to our state so that we can complete needed projects like the Carson City bypass, I-580 extension, and some greatly needed public transportation projects in our communities.

Additionally, I am endorsing a request from Congressman Bob Stump of Arizona for a new bridge over the Colorado River to replace the current, but very dangerous, Hoover Dam Bridge. In the halls of Congress, this bridge has affectionately become known as the "bridge to the 21st century."

Another important goal for our environment is that we work to protect Lake Tahoe for future generations. Our "Lake of the Sky" is a national treasure, and it is the pride and joy of all Nevadans, whether you're from the south, from the north, from the east, or from the west. It is necessary because numerous pollutants have caused the water to lose its renowned clarity, and the surrounding pine trees are now starting to die. Preserving Lake Tahoe is critical, not only to our environment, but also to our tourism-based economy as well. I am working with Nevada's delegation in solving Tahoe's transportation problems and to maintain that precious balance with nature. We must pull together to become a single, powerful voice to ensure that this natural resource is preserved.

Few, if any, problems have become more challenging in recent years than the disposal of nuclear waste. Nevada has long been targeted as the nation's nuclear dumping ground even though we have no nuclear reactors in our state. In 1987, Congress designated and selected Yucca Mountain to be the exclusive repository for this nation's nuclear refuse. I believe there should be certain standards on the basis of sound reasoning, engineering and science. In

addressing nuclear waste storage, we should recognize the safety, health and welfare of this nation's citizens first.

This is not just a Nevada issue because many states will be directly affected by rail and trucking transportation routes through which this waste must pass. A high speed accident could unseat a valve or damage a seal, releasing hazardous particulate matter into the environment. Each one of these casks of nuclear waste holds up to 24 fuel assemblies. In terms of poisonous gas, each fuel canister contains 10 times the amount of radioactivity that was released from the bomb that we dropped in World War II on Hiroshima. We cannot have this material simply dumped in our laps, and we must—it becomes clearly evident—address as federal legislators, the biospheric and safety concerns of every American.

In addition to the nuclear waste problem, I noticed in the newspaper recently that California is now seeking to dump their landfill refuse in our backyard. These people believe that they should heap their spoiled garbage on us. Well, I say rubbish! We won't be trashed with their fried, green, organic waste.

Before I was sworn in as a member of Congress, it became very evident that dealing with the maze of bureaucracy would be very difficult. Recently, the Bureau of Land Management published regulations in the *Federal Register* claiming to consolidate their law enforcement authority that they said was previously granted to them. Their intent was to gather all of their constabulary rights and present them together, and this was done to make the public aware of their pledged authority. After reading the proposed regulation, I was appalled by the unconstitutional power they have deemed for themselves.

Along with several other members of Congress, we requested that the subcommittee chairman, Jim Hansen, conduct hearings on these new law enforcement regulations. Chairman Hansen agreed, and it was soon after that that Secretary Babbitt withdrew the proposed regulation changes.

Unfortunately, it seems that Mr. Babbitt just doesn't get it. He still believes BLM possesses additional police powers, and once again, we have to go back to Chairman Hansen and encourage him to follow through with his scheduled hearings so that we, in Congress, can actually tell him that we disapprove of the proposal. It is critical, in my belief, that the federal government live within its constitutional boundaries. I will do everything in my power to assure that they do not purloin anything more from the people of Nevada.

The abuses to the prosperity and independence of this state do not stop here. In the President's budget, he is proposing a direct attack on one of Nevada's largest industries. His proposed budget would eliminate the percentage depletion allowance. This was originally created in recognition of the capital demands that are required to explore, develop and maintain mineral-producing properties. Percentage depletion allowance is more important to the continued viability of the domestic mining industry today than at any other time. Repeal of this provision, ladies and gentlemen, would cost Nevada an annual estimate of $220 million. This assault on Nevada would reduce household incomes by an estimated $68 million in Nevada. This proposal would mean the loss of about 2,300 high-paying jobs for our workers in Nevada. Because of the large salaries the mining industry pays, Nevada families now have a better living standard. This proposal would impose a hardship for many, and it is one that we must work to defeat.

Nevada's mining industry and its federal lands are, again, not the only areas under attack. Every day, the eastern establishment attacks our entertainment industry. Nevada's number one industry, gaming, has been unfairly characterized and is under assault. Those on the Potomac would just love to get their greedy little hands on our life's blood. They just can't leave us alone. Nevada has been in this business for well over 60 years. We already have the most self-imposed, controlled, and regulated industry in the world. We have paid our fair share and more. It is difficult enough without Washington's intrusion. Our gaming revenues support Nevada schools, Nevada causes, Nevada goals. We do not need their interference in our lives, in our land, or in our businesses.

Nevada's Second Congressional District is well populated with military personnel, veterans and a number of installations. Nellis Air Force Base, Fallon Naval Air Station, Hawthorne

Ammunition Depot, and many Nevada National Guard units are located within its boundaries. There are also included in these bases such great institutions as the Air Force and Navy Fighter Weapons Schools, 2,500 National Guard members, 12 Guard units as well as a major Army ammunitions depot. I am very pleased, as a member of the Readiness, Research and Development Subcommittees, to be on National Security. My appointment to the Air Power, Guard and Reserve, Depot and Army Caucuses, enables me to better serve the needs of this region. Each of these subcommittees and meetings directly relate to military issues, personnel and families within our state.

In addition to your efforts here in this body, I am working with Congressman Ensign to build our first 190-bed veterans' home in Nevada a reality. Funding for this freestanding nursing and extended-care facility for our vets will come from a combination of federal and state funds.

Ladies and gentlemen, whether it's education, nuclear waste, the environment, Social Security, businesses, business tax, BLM, health, or any other issue, I will always fight for your best interests. I have not forgotten the reason folks sent me to Congress. It was to portray, to reflect and simulate their voices. I have fought for my country during two wars, and I will fight for my state in the battle Washington has waged on Nevada.

As I leave here to undertake that challenge, let me conclude my remarks by wishing you all well as you address so many important issues facing our great state. May you always exclude any aisles, any barriers, real or imagined, that may separate you from serving the best interests of the people. May God lead, guide and direct you in your decision-making process, and may you always work together in protecting, representing and serving the interests of the state we love, Nevada.

Senator Rhoads moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Gibbons for his truly timely and interesting message.

Motion carried.

The Committee on Escort escorted the Representative to the bar of the Assembly.

Assemblyman Arberry moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:56 a.m.

ASSEMBLY IN SESSION

At 12:18 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Lee, Parks, Braunlin, Tiffany, Gustavson, Price, Sandoval, Manendo, Evans, Chowning, Nolan, Anderson, Ohrenschall and Amodei:

Assembly Bill No. 305—An Act relating to elections; reducing the monetary threshold for campaign contributions that must be separately identified by candidates, certain persons who make expenditures on behalf of candidates, committees for political action and persons who advocate the passage or defeat of questions on an election ballot; reducing the monetary threshold for campaign expenditures that must be reported by certain persons who make expenditures on behalf of candidates, committees for political action, political parties, committees sponsored by a political party, persons who advocate the passage or defeat of questions on an election ballot and committees for the recall of a public officer; reducing the monetary threshold for campaign contributions that must be reported by a committee for the recall of a public officer; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Lee, Parks, Tiffany, Koivisto, Hickey, Gustavson, Nolan, Anderson, Collins and Arberry:

Assembly Bill No. 306—An Act relating to property; regulating the affairs of decedents by adopting the Uniform Probate Code; revising provisions for disclaimer of interests in property; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 243 be taken from the Chief Clerk's desk and re-referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 224.

The following Senate amendment was read:

Amendment No. 113.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 6 as sections 1 through 5.

Amend sec. 2, page 2, line 10, by deleting: "3 and 4" and inserting: "2 and 3".

Amend sec. 4, page 3, line 6, by deleting "3" and inserting "2".

Amend sec. 4, page 3, line 8, by deleting "5" and inserting "4".

Amend sec. 4, page 3, line 11, by deleting "3" and inserting "2".

Amend sec. 4, page 3, line 14, by deleting "3" and inserting "2".

Amend sec. 4, page 3, line 15, by deleting "Make" and inserting: "Notwithstanding the provisions of NRS 353.288, make".

Amend sec. 4, page 3, line 18, by deleting "3" and inserting "2".

Amend the summary of the bill, third line, by deleting "(BDR 31-1496)" and inserting "(BDR S-1496)".

Assemblyman Perkins moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 224.

Remarks by Assemblyman Perkins.

Motion carried.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 6; Senate Bill No. 48.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Scotty Mason and Karen Frye.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Edward Gobel.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Leavister.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Caryl Gobel.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Gunther.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to David Boggs.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Marcus Gobel and Jessi Winchester.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, March 26, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:31 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), March 26, 1997

Assembly called to order at 11:12 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Ernaut, who was excused.

Prayer by the Chaplain, The Reverend Richard H. Campbell.

Almighty God, in whom we live, move and have our very being: we come to You this day to acknowledge that the earth and all who dwell within it are precious in Your sight. Take away our selfish pride and bring to our minds Your goodness, so that living together, as Your children, we may enjoy Your gifts and be thankful. We thank You for mountains, fields and woodlands; for oceans and running streams; for villages and cities where Your children live, work and play; and for Your presence with us in all our endeavors. Grant this legislative body insight into Your wisdom today so that their actions may be to Your honor and glory. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 251; Senate Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 86, 95, 103, 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 24, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 153.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 3.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblywoman Freeman.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 307—An Act relating to Oriental medicine; making various changes to provisions regulating the practice of Oriental medicine; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 308—An Act relating to employees of public utility companies; revising the provisions governing the exemption of certain employees of a public utility company from the requirements of registration as a professional engineer or land surveyor; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 309—An Act relating to the practice of chiropractic; changing the name of the Nevada state board of chiropractic examiners; revising the definition of "unprofessional conduct"; revising the provisions governing the examination and licensure of applicants desiring to practice chiropractic; revising the requirements for the continuing education of licensees; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 310—An Act relating to state employees; authorizing collective bargaining for certain classified employees of the State of Nevada; creating a board for labor relations for state employees; requiring legislative approval of collective bargaining agreements; authorizing the superintendent of the state printing and micrographics division of the department of administration to enter into labor agreements with certain employees of the division; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 311—An Act relating to mines; requiring the operator of a mine to notify the administrator of the division of industrial relations of the department of business and industry before a boiler, elevator or pressure vessel is installed at the mine; requiring the administrator to adopt regulations pertaining to the standards for boilers, elevators and pressure vessels; authorizing the administrator to prohibit the installation or operation of a boiler, elevator or pressure vessel at a mine in certain circumstances; requiring the operator of a mine to maintain certain records and reports relating to emergencies at the mine; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 312—An Act relating to criminal proceedings; making various rules of evidence inapplicable to a preliminary examination and to a grand jury proceeding; allowing hearsay evidence in a preliminary

examination and in a grand jury proceeding; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 153.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 50.

Amend section 1, page 2, lines 4 and 5, by deleting: "shall [:

(a) Not" and inserting: "shall:

(a) [Not".

Amend section 1, page 2, line 11, by deleting:

"(b) If] , *if*" and inserting "(b)] If ".

Amend section 1, page 2, after line 14, by inserting:

"*(b) If the measure was originally requested by an interim committee which conducts a study or investigation pursuant to subsection 5 of NRS 218.682, include the name of the interim committee.*

(c) If a legislator agrees to introduce or cause to be introduced legislation that was originally requested by a former legislator, change the name from the former legislator to the name of the legislator who so agrees.

Sec. 2. NRS 218.2477 is hereby amended to read as follows:

218.2477 *1.* If a standing or special committee of the legislature requests the preparation of a measure on behalf of a legislator or an organization, the measure must indicate the name of the standing or special committee and the legislator or organization on whose behalf the measure was originally requested. *If such a measure is introduced but does not include the name of the legislator or organization on whose behalf the measure was originally requested, the legislator or organization may request the committee to direct the legislative counsel to cause the measure to be reprinted with the name included. If so directed, the legislative counsel shall cause the measure to be reprinted with the name included.*

2. When a measure is introduced that was originally requested by an interim committee which conducted a study or investigation pursuant to

subsection 5 of NRS 218.682, the measure must indicate the name of the interim committee.".

Amend the title of the bill, third line, after the semicolon by inserting: "requiring that certain additional information be indicated on the weekly list of bill draft requests and on legislative measures;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 100:

YEAS — 41.

NAYS — None.

Excused — Ernaut.

Assembly Bill No. 100 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 62.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 62:

YEAS — 41.

NAYS — None.

Excused — Ernaut.

Senate Bill No. 62 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 224 and requests a conference, and appointed Senators Rawson, O'Donnell and Regan as a first Committee on Conference to meet with a like committee of the Assembly.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker pro Tempore appointed Assemblymen Perkins, Hettrick and Evans as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 224.

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

Assembly in recess at 11:38 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 1997

To the Honorable the Assembly.

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 23.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 301 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Price.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblymen Carpenter, Marvel, Price, Neighbors, Freeman, Giunchigliani and Goldwater.

Assemblyman Carpenter requested the following remarks be entered in the Journal:

ASSEMBLYMAN CARPENTER:

Assembly Bill No. 301 authorizes Elko County to impose a sales tax up to one percent with voter approval to construct a new hospital in Elko County. The tax will be in effect for no more than four years and is designed to raise the approximately $30 million necessary to build

the hospital. Allowing the voters to decide the issue is supported by the County Commission and many residents of the county. They believe that the sales tax is the best way to preserve a modern, technologically-advanced public hospital in Elko County. If approved by the legislature and signed by the governor, this bill will allow voters in Elko County to decide the issue at a special election held in conjunction with the municipal elections on June 3. If the voters approve the increase, construction on a hospital can commence within one year and will be paid for with little or no debt burden on the taxpayers. Your Committee on Taxation urges your support. Thank you.

ASSEMBLYMAN MARVEL:

I, too, rise in support of A.B. 301. As many of you know, much of my district is in Eureka, Elko, and Lander counties, so many of my constituents do access the medical facilities of Elko County. Philosophically, I like the bill because it is enabling legislation and not a mandate. It is philosophically correct because it allows the people of Elko to vote on the matter. If they feel they need the hospital, they'll vote for it; if they decide to reject it, they have that option.

My colleague from District 37 was here yesterday asserting that he was born at Elko General Hospital. My claim to fame is that is where I got a staph infection.

ASSEMBLYMAN PRICE:

I might just add that since the purpose of this bill is to enable—I did double-check with our Legislative Counsel Bureau today and got a verbal opinion—it only requires a simple majority to pass. It does not require a two-thirds vote because we are not imposing a tax or a new fee on anyone. We are enabling the county commissioners and/or the citizens of Elko County to make that decision.

ASSEMBLYMAN NEIGHBORS:

During the committee meeting, there was quite a bit of discussion regarding privatization and private ownership as opposed to a sales tax. I have been asked to repeat some of my comments to the committee.

My experience with privatization, as far as rural hospitals, has been a total disaster. The current management company that we have didn't last one year. Prior to that we had a major company, a subsidiary of Petrolane—which is a billion-dollar corporation on the New York Stock Exchange—come in under the name of Vance Health Systems. They told the county that if they would sign a non-cancelable contract, they would never have to worry about making any more payments. The way you cancel a non-cancelable contract is you leave in the middle of the night—I think it was 12:01 a.m. The next morning at 8 a.m., I'm trying to make arrangements to meet with the Interim Finance Committee, which we did, and they helped bail us out and keep that hospital open.

I have found that one of the big issues with privatization or private ownership of hospitals is indigence. The state law says that if you have an indigent, you must pay it. Some of those bills can get to $20,000, $40,000, or $50,000. The county commissioners can go to the hospital board and usually negotiate these, but when you're a private hospital, you can't do that.

I urge your support on A.B. 301.

ASSEMBLYWOMAN FREEMAN:

I also rise in support of A.B. 301. In the 10 years that I've been here and been on the health committee, we've seen a number of the rural public facilities disappear from the scene because of the difficulty of dealing with the health care market nowadays. I think that whenever a local government has the opportunity, or whenever the people that live in the local area have an opportunity to retain their publicly-owned facility, we should allow them that opportunity.

ASSEMBLYWOMAN GIUNCHIGLIANI:

What is the tax rate now within Elko, and what would it go up to under this?

ASSEMBLYMAN CARPENTER:

Our sales tax rate right now is 6.5 percent, so if this measure was passed by the voters, our sales tax rate would be 7.5 percent.

ASSEMBLYWOMAN GIUNCHIGLIANI:

In addition to that, you don't have any allocations you've not used, anything for flood control or roads or transit as some of the other counties have done at this point in time?

ASSEMBLYMAN CARPENTER:

That is right. Ours is at 6.5 percent, and we do not have any of the other options that are available to other counties at this present time.

ASSEMBLYMAN GOLDWATER:

I rise in support of Assembly Bill 301. I sit on the Taxation Committee as well. I was initially opposed to this bill before I heard the testimony. The reason I was opposed was because we're building a county hospital, and, for example, Clark County, and I think Washoe County, financed their county hospitals via property tax. Unfortunately, property tax does not raise nearly enough money to finance a county hospital.

The other question that concerned me was whether or not a sales tax increase was legitimate for a hospital as opposed to a water facilities system. I made the point that one is for a municipal utility and the other is for a county hospital. However, we must realize that in the rural areas of Nevada, a county hospital can be considered a municipality or a municipal institution because of the fact that there is not too much private industry involved in that area of the market.

For those reasons I supported the bill, I voted for it in committee, and I urge other members to support it.

ASSEMBLYMAN PRICE:

I just wanted to add—because it is in the bill—that this will have a sunset for four years. This particular tax, as it exists in the bill right now, will only go for four years, and then it would be sunset.

Roll call on Assembly Bill No. 301:

YEAS — 40.

NAYS — Lambert.

Excused — Ernaut.

Assembly Bill No. 301 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Assemblyman Price moved that all rules be suspended and that Assembly Bill No. 301 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 23.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Assemblyman Nolan requested that Assemblyman Dini's remarks be entered in the Journal.

It is certainly an honor for me today to pay homage to a man who had a lot of influence in my life as I grew up in Yerington. Walter was a life-long friend of mine and the owner of the Mason Valley News. His dad and mother were two beautiful people. His dad was a white-haired man who reminded me of Mark Twain. The family was in the printing business for years and did an outstanding job for our community. On the Mason Valley News headline is, "The only newspaper in the world that gives a damn about Yerington," and I think that's true.

When we were in about the eighth grade, we learned our first lessons about the printing business. I worked for Walter for 75 cents an hour melting lead with George, here, out behind the printing shop. Eventually in high school, I was running the linotype machine part-time. I also had access to the press, so I had the best-looking stationery in high school, all custom made.

When I was around 12 or 13 years old, I would work in the office and he'd always hang around there with a big cigar and two or three buddies from around town. They'd chat about

the business community and ideas to make money. I was impressed with that early in life, and he was pretty good at it, too.

Walter was a neighbor; we had adjoining properties. I really miss him. He's not out in his garden this year or taking his morning walk to the post office—I miss those things.

Walter has been a big benefactor for our state. His wife had Alzheimer's disease. When she passed away, he made a major contribution to UNR to do Alzheimer research, and for that I commend him. He has been a very good, very charitable man, and there was a wonderful feeling in the community towards Walter.

Walter was a year older than my mother—that's what my mother used to remind me of—that he was older than her. He lived a long life and I think he made a great contribution to our state. He was a respected member of the gaming commission for many, many years under a couple of different governors.

I am sorry that Jack McCloskey—his best buddy from Mineral County—is not here today. Jack writes the Jasper column in the Mineral Independent. When I first started serving here, I could always tell when there was a printing bill that was going to be acted on. If it interfered with the small newspapers in any way, Jack and Walter would come and double-team us. They were quite a duo. They kept everything under control. They were good at it.

I could go on and tell a lot of stories, but I guess I'd better not. It might take too much of your time, and I think the family wants to leave. It is my privilege to recommend that we adopt this resolution, and then I will introduce some people who are real friends of mine.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Freeman, de Braga, Anderson, Sandoval, Segerblom, Carpenter, Gustavson, Lambert, Amodei, Koivisto, Hickey, Lee, Von Tobel, Ohrenschall, Berman, Herrera, Goldwater, Williams, Parks, Braunlin, Price, Nolan, Mortenson, Manendo, Krenzer, Chowning, Collins, Perkins, Humke, Buckley, Close and Evans:

Assembly Bill No. 313—An Act relating to tobacco; authorizing state agencies and local governments to adopt more stringent restrictions governing tobacco and products made from tobacco than the restrictions imposed pursuant to state law; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 224, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has further agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

RICHARD PERKINS	RAYMOND D. RAWSON
LYNN C. HETTRICK	WILLIAM R. O'DONNELL
JAN EVANS	JOHN B. REGAN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 1.

Amend sec. 3, pages 2 and 3, by deleting lines 22 through 42 on page 2 and lines 1 through 3 on page 3 and inserting:

"Sec. 3. To carry out the provisions of section 2 of this act, the director shall make such grants of the money appropriated by section 4 of this act as he deems appropriate to:

1. State agencies and nonprofit entities for the entire grant match for projects which meet the requirements of subsection 1 of section 2 of this act; and

2. Local governments for the state's one-half of the grant match for projects which meet the requirements of subsection 2 of section 2 of this act.".

Amend the title of the bill by deleting the first through third lines and inserting: "An Act relating to state financial administration; providing for the proportional matching funding for disaster".

Assemblyman Perkins moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 224.

Remarks by Assemblyman Perkins.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 63; Senate Concurrent Resolution No. 22.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline Graham.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Elana Lee Graham.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Ward and Ryan Ward.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Dahl, Jennifer Jones, Katherine A. Howell, Mary Howell and Fred Howell.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Lvana Graham and Adam Cegavske.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ashlee Jensen, Chelsea Jensen, Nathan Jensen, Matthew Jensen and Michael Jensen.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Magee, George Magee, Lena Magee, Dan Magee, Jane Iverson, Jack Carpenter, Joe Carpenter, Bill Carpenter and Bill Swackhamer.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Valrie Brown and Gail Milne.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Howard Winn and Norene Tow.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Geneva Nell Hauser.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Lance Malone.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Turner Graham.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Lucile Wyllie, Ruth Wark, Henry Wark, Ruth Keith, Shirley Follebout, Charlotta Evans, Miriam Burbidge, Vera Tarman, Fred Coddington, Virla Coddington, Marguerite McGlasson, Adele Coblentz, Frieda Turco, Doris Allen, Kate MacMillan, Venila Melcher, Louise Stetler, Rita Rogers, Hulda Gummer, Marilyn Woodard, O.W. Johnson, William Sweeney, Dorothy Sweeney and Eloise Colton.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Hale, Megan Hale, Jordan Martin and Stacey Martin.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 27, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:43 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), March 27, 1997

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Richard H. Campbell.

Almighty and most Gracious God, it is to You that we look for every good and perfect gift. It is to You that we direct our thanksgiving this day. We give thanks for a night of rest and the beauty of a new day. Be present with us and guide us. Make us aware of the needs of the people and grant us wisdom, compassion and love to serve them in our actions. Bless this Assembly, give them strength and courage to do Your will. We pray in Your Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 213, 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 224.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 136.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 39.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 68 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Lambert, Humke, Gustavson, Sandoval, Hickey, Freeman, Evans and Anderson:

Assembly Bill No. 314—An Act relating to cities; revising the requirements regarding land proposed for annexation in certain counties; requiring any extension of the sphere of influence of a political subdivision in certain counties to be contiguous to the existing area of the sphere of influence; and providing other matters properly relating thereto.

Assemblywoman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ohrenschall, Anderson, Sandoval, Perkins, Buckley, Carpenter, Krenzer, Herrera, Amodei, Neighbors, de Braga, Segerblom, Bache, Giunchigliani, Lee, Humke, Koivisto, Mortenson, Collins, Price, Chowning, Manendo, Evans, Arberry, Goldwater and Parks:

Assembly Bill No. 315—An Act relating to probation; requiring that a probationer who is not eligible for an honorable discharge from probation receive a dishonorable discharge; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Tiffany, Lambert, Hickey, Parks, Lee, Amodei, Bache, Neighbors, Anderson, Arberry, Collins, Sandoval, Koivisto, Berman, Buckley, Von Tobel, Close, Humke, Freeman, Williams, Herrera, Giunchigliani, Nolan, Ohrenschall, Marvel, Carpenter, Manendo, Price, Krenzer, Gustavson, Dini and Evans:

Assembly Bill No. 316—An Act relating to the management of money for eleemosynary purposes; providing standards for investment; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 317—An Act relating to public health; creating the office of state dental officer in the health division of the department of human resources; requiring the state dental officer to coordinate access to dental care for children of low-income families; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 318—An Act relating to traffic laws; increasing the maximum width of a manufactured home or mobile home or similar type of vehicle or structure whose movement on the highways may be specially authorized; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 39.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 136.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 61.

Amend sec. 7, page 1, by deleting lines 19 and 20 and inserting: "*final retailer who does not process animal or vegetable products.*".

Amend sec. 17, page 3, by deleting lines 26 through 28 and inserting: "*notice and the opportunity for a hearing, may impose, for a violation of this section or section 15 of this act or of a regulation adopted pursuant thereto, a civil penalty of not more than:*

(a) For the first violation, $200;

(b) For the second violation, $1,500; and

(c) For the third or subsequent violation, $3,000.

The administrator shall deposit".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 122.

Amend section 1, page 1, line 9, by deleting "either" and inserting "[either]".

Amend section 1, page 1, line 10, by deleting: "or the state prison" and inserting: "[or the state prison]".

Amend the title of the bill, second line, by deleting: "detention, jail or prison;" and inserting: "detention or jail; removing the authority of juvenile courts to place certain persons who violate probation in prison;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes to provisions governing authority of juvenile courts over persons who violate probation or parole. (BDR 5-373)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 119.

Amend sec. 2, page 2, line 16, by deleting "*the prosecuting*" and inserting "*a*".

Amend sec. 2, page 3, line 1, after "*7.*" by inserting: "*Except as otherwise provided in this subsection, the court shall allow the attendant to have physical contact with the witness while the witness is testifying, if the court determines that such contact is reasonably appropriate or necessary to provide support to the witness.*".

Amend sec. 2, page 3, line 3, by deleting "testimony," and inserting: "testimony [,] *or at any other time,*".

Amend sec. 2, page 3, by deleting line 5 and inserting: "[5. The defendant]

8. A party may move to exclude a particular attendant for".

Amend the title of the bill, third line, by deleting: "who is a minor".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 120.

Amend section 1, page 1, line 10, by deleting "[." and inserting: "[.] *; or*

(b) The witness possessed a certain amount of money at the time that the offense was committed.".

Amend section 1, page 1, by deleting lines 11 through 16 and inserting:

"2. The district attorney shall provide [either written or oral notice] *a copy of the affidavit to be used at the examination* to the defendant [,] *when it is available, but* not less than [10 days] *72 hours* before the scheduled examination . [, that he intends to use the affidavit at the examination.]".

Amend section 1, page 2, by deleting line 1 and inserting:

"3. If at or before the time of the preliminary examination the defendant".

Amend sec. 2, page 2, line 19, by deleting "[." and inserting: "[.] *; or*

(b) The witness possessed a certain amount of money at the time that the offense was committed.".

Amend sec. 2, page 2, by deleting lines 22 through 28 and inserting: "district attorney shall provide [either written or oral notice] *a copy of the affidavit to be used at the proceeding* to the defendant [, within a reasonable time] *when it is available, but not less than 72 hours* before the scheduled proceeding of the grand jury . [, that the affidavit will be used at the proceeding.]

3. If at or before the time of the proceeding the [defendant establishes]".

Amend the title of the bill by deleting the third through fifth lines and inserting: "proceedings; requiring the district attorney to provide a copy of certain affidavits to be used at a preliminary examination or grand jury proceeding to the defendant in lieu of giving notice of the intention to use such affidavits; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 121.

Amend sec. 2, page 1, by deleting lines 3 and 4 and inserting:

"Sec. 2. *1. The division may establish and administer in any county an intermediate correctional program*".

Amend sec. 10, page 6, line 41, by deleting "18," and inserting "19,".

Amend sec. 13, page 7, line 12, by deleting "*18,*" and inserting "*19,*".

Amend sec. 13, page 7, lines 13 and 14, by deleting: "*14, 15 and 16*" and inserting: "*14 to 17, inclusive,*".

Amend the bill as a whole by renumbering sections 14 through 21 as sections 15 through 22 and adding a new section designated sec. 14, following sec. 13, to read as follows:

"Sec. 14. *"Bureau" means the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation.*".

Amend sec. 17, page 7, by deleting lines 21 through 27 and inserting:

"Sec. 18. *1. The bureau may:*

(a) Establish residential centers to be used for the long-term transitional housing and treatment of offenders, parolees and participants who are approved by the division to reside in the centers;

(b) Contract with organizations that are based in the community to provide needed services to offenders, parolees and participants and to operate the residential centers; and

(c) Adopt regulations that are necessary to carry out the provisions of sections 13 to 19, inclusive, of this act.

2. The division shall provide supervision of the offenders, parolees and participants who reside at the residential centers established pursuant to subsection 1.".

Amend sec. 18, page 7, by deleting lines 30 through 33 and inserting: "*earnings to the residential center in which he resides to defray the cost of providing him with housing and meals.*

2. The residential center in which an offender, parolee or participant resides shall fix the amount to be paid by the offender, parolee or participant pursuant to subsection 1 in accordance with his ability to pay.".

Amend sec. 21, page 8, line 18 by deleting "20" and inserting "21".

Amend sec. 21, page 8, by deleting lines 19 and 20 and inserting: "a sufficient number of intermediate correctional programs become operational as determined by the division of parole and probation of the department of motor vehicles and public safety.".

Amend the title of the bill, first line, by deleting: "in certain counties".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 201.

Bill read second time.

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

Amendment No. 101.

Amend the bill as a whole by deleting sections 1 through 4, renumbering sections 5 through 8 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 350A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before state securities may be issued pursuant to this chapter for the purpose of acquiring bonds which are issued by a water authority organized as a political subdivision created by cooperative agreement, the members of the water authority must contract with the water authority to make payments from the revenues of the members' water systems that, in the aggregate, are fully sufficient to pay those bonds as they become due. If the water revenues of any such member are insufficient to pay that member's share of the amount due on the bonds, the member shall pay the deficiency out of money available for that purpose in the general fund of the member. If the money in the general fund of the member is insufficient to pay fully any such deficiency promptly, the member shall levy a general ad valorem tax on all taxable property within the member's boundaries at a rate necessary to produce revenue in an amount sufficient to pay that member's share of the payments due on the bonds.

2. The obligations of the members of the water authority to the water authority and the State of Nevada as a result of the acquisition of bonds of the water authority pursuant to this chapter do not constitute indebtedness of the members within the meaning of any constitutional, charter or statutory limitation or other provisions restricting the incurrence of any debt.

3. A property tax levied pursuant to this section:

(a) Shall be considered to have been levied for the payment of bonded indebtedness for the purposes of NRS 361.463.

(b) Is exempt from the limitations on property taxes contained in chapter 354 of NRS.".

Amend the title of the bill by deleting the first through third lines and inserting: "An Act relating to municipal securities; authorizing the state treasurer to make certain loans to a water authority".

Amend the summary of the bill to read as follows: "Summary—Makes various changes relating to municipal bond bank. (BDR 30-639)".

Assemblyman Amodei moved the adoption of the amendment.

Remarks by Assemblyman Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 251.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

Assembly Bill No. 68.

Bill read second time.

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

Amendment No. 51.

Amend section 1, page 1, by deleting lines 6 through 8 and inserting:

"*1. The city council, by ordinance, may require, as a qualification for an appointive office of the city, other than city attorney, and for appointment as a deputy pursuant to NRS 266.455, that the person appointed reside actually, and not constructively, within:*

(a) The limits of the city; or

(b) The county in which the city is located.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 283.040 is hereby amended to read as follows:

283.040 1. Every office becomes vacant upon the occurring of any of the following events before the expiration of the term:

(a) The death or resignation of the incumbent.

(b) The removal of the incumbent from office.

(c) The confirmed insanity of the incumbent, found by a court of competent jurisdiction.

(d) A conviction of the incumbent of any felony or offense involving a violation of his official oath or bond or a violation of NRS 241.040 or 293.1755.

(e) A refusal or neglect of the person elected or appointed to take the oath of office, as prescribed in NRS 282.010 , [;] or, when a bond is required by law, his refusal or neglect to give such bond within the time prescribed by law.

(f) [The] *Except as otherwise provided in NRS 266.400, the* ceasing of the incumbent to be a resident of the state, district, county, city, ward or other

unit prescribed by law in which the duties of his office are to be exercised, or from which he was elected or appointed, or in which he was required to reside to be a candidate for office [.] *or appointed to office.*

(g) The neglect or refusal of the incumbent to discharge the duties of his office for a period of 30 days, except when prevented by sickness, or absence from the state or county, as provided by law.

(h) The decision of a competent tribunal declaring the election or appointment void or the office vacant.

2. Upon the happening of any of the events enumerated in subsection 1, should the incumbent fail or refuse to relinquish his office, the attorney general shall, if the office affected is a state office or concerns more than one county, or the district attorney shall, if the office affected is a county office or concerns territory within one county, commence and prosecute, in a court of competent jurisdiction, any proceedings for judgment and decree declaring such office vacant.".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman de Braga moved that Assembly Bill No. 77 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 86 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 150 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 161 be re-referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 224.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Booth, Sharon Maitland, Rod Rodriguez, Dawn Patterson, Ann Ruben and Faun Dixon.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Simich.

Assemblyman Perkins moved that the Assembly adjourn until Monday, March 31, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:50 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), March 31, 1997

Assembly called to order at 11:23 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Collins and Evans, who were excused.

Prayer by Elder John Ray.

O God, the eternal Father; Creator of all things; the Giver of all good gifts and graces, we have met this day to give thanks for all the blessings we have received at Thy bounteous hand. We are thankful to be living in a land of freedom and peace. We are thankful for our lives and our families and for the opportunities we have to grow and enrich our lives. We humbly ask Thee, O Lord, to bless this august body that they may be guided by Thy Holy Spirit to recognize and deal with those things that support our way of life; that they may be inspired to serve us in a manner beneficial to all and pleasing unto Thee. Recognizing our weaknesses, we pray for Your strength in all our doings and we do so in gratitude and in the Name of Thy beloved Son and our Savior, Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Health and Human Services.

WENDELL P. WILLAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was re-referred Assembly Bill No. 269, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 49, 50, 51, 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 32, 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 7—Urging the Secretary of the Interior to suspend or withdraw the new regulation of the Bureau of Land Management governing bonding requirements for certain mining operations on public lands.

WHEREAS, The United States Bureau of Land Management proposed on July 11, 1991, to amend its policies governing bonding requirements for reclamation of hard-rock mining operations on public lands, as set forth in the regulations governing surface management in Subpart 3809 of Part 3800 of Title 43 of the Code of Federal Regulations; and

WHEREAS, The Bureau of Land Management recently adopted those proposed regulations with the publication of a final rule on February 28, 1997, approximately 5 1/2 years later; and

WHEREAS, The newly amended regulation takes effect on March 31, 1997, and contains new policies that were not a part of the policies proposed on July 11, 1991, including requirements for the certification of reclamation cost estimates by a third-party professional engineer; and

WHEREAS, The general public was not apprised of the substance of the final version of the regulation and the significant issues involved, and therefore had no opportunity to comment on the new policies included in the final rule, in violation of the federal Administrative Procedures Act (5 U.S.C. § 553); and

WHEREAS, The final rule will have a negative impact on large and small miners, on their suppliers and contractors and on the economy and residents of the State of Nevada; and

WHEREAS, Without any opportunity for comment and with no increase in federal funding, the final rule will substantially increase the work load for agencies in the State of Nevada that administer programs in the areas of environmental protection and minerals; and

WHEREAS, The final rule could have a severe impact on the administration of the program providing for the pooling of reclamation performance bonds established in this state pursuant to chapter 519A of the *Nevada Revised Statutes*; and

WHEREAS, The final rule would place the Bureau of Land Management in the position of enforcing criteria for water quality, a task that rightfully belongs to the State Department of Conservation and Natural Resources pursuant to the *Nevada Revised Statutes* and the federal Clean Water Act; and

WHEREAS, The Bureau of Land Management has provided no documentation or evidence of problems regarding the failure of miners to carry out required reclamation efforts in this state; and

WHEREAS, The State of Nevada has been a strong supporter of mining reclamation programs, and the Bureau of Land Management itself acknowledges that this state is a leader in such programs; and

WHEREAS, The Bureau of Land Management has initiated a complete regulatory review of the regulations governing surface management set forth in Subpart 3809 of Part 3800 of Title 43 of the Code of Federal Regulations but has separated the policies regarding bonding requirements for reclamation of hard-rock mining operations on public lands from that review without explanation; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 69th session of the Nevada Legislature are outraged by the procedures followed by the Bureau of Land Management in adopting the final rule on bonding requirements for reclamation of hard-rock mining operations on public lands, especially because those procedures violate the guarantee of due process in the United States Constitution; and be it further

RESOLVED, That the members of the 69th session of the Nevada Legislature urge the Secretary of the Interior to suspend or withdraw the final rule on bonding requirements for reclamation of hard-rock mining operations on public lands and to include the subject matter in the review, which is already in progress, of Subpart 3809 of Part 3800 of Title 43 of the Code of Federal Regulations; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Secretary of the Interior, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblywoman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblywoman de Braga moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:34 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Assemblywoman de Braga moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Joint Resolution No. 7 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

By Assemblymen Perkins, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Resolution No. 7—Directing the placement of a commemorative gavel in the Assembly Chamber in honor of the dedicated legislative service of Joseph E. Dini, Jr.

WHEREAS, Joseph E. Dini, Jr., has given 30 years of his life in service to this state as a member of the Assembly of the State of Nevada; and

WHEREAS, Assemblyman Dini's legislative service from 1967 through 1997, in four special sessions and 16 regular sessions, constitutes the longest service in history by a member of the Nevada Assembly; and

WHEREAS, In recognition of his integrity, wisdom, political acumen and leadership ability, Joseph E. Dini, Jr., was unanimously elected to an unprecedented seventh term as Speaker of the Assembly for the 69th session of the Nevada Legislature; and

WHEREAS, It is with much affection, great admiration and the deepest respect that the members of his legislative family desire to celebrate the legacy of this distinguished and dedicated public servant, and to preserve that legacy for legislative posterity; and

WHEREAS, An appropriate visual representation of Speaker Dini's legislative legacy exists in the form of a 3-foot long gavel which was recently presented to him at a dinner held to recognize the lifetime of public service given to the residents of this state by Speaker Dini; and

WHEREAS, A brass plaque is affixed to the commemorative gavel that fittingly bears the inscription, "In perpetual honor of Joseph E. Dini, Jr., Speaker of the Nevada State Assembly" and the following quotation of Henry Clay from 1829: "Government is a trust, and officers of the government are trustees and both the trust and the trustees are created for the benefit of the people"; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly hereby declare their collective and individual appreciation of and affection for Joe Dini; and be it further

RESOLVED, That the members of the Assembly hereby direct the Majority Leader, Richard D. Perkins, to take such actions as are necessary to encase the commemorative gavel appropriately and arrange for its permanent display in the Assembly chamber in recognition of the unquestionable manner in which Joseph E. Dini, Jr., has upheld the public trust during his record-breaking legislative service, and of the unparalleled contributions made by Joseph E. Dini, Jr., to the well-being of the residents of this state; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Joseph E. Dini, Jr.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Hettrick, Price, Marvel, Anderson, Carpenter and Ernaut.

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

ASSEMBLYMAN PERKINS:

It would be very difficult to properly put into words the impact that Mr. Speaker has had on our state and on the people in this body. Your influence on us and your mentoring and education of us in the legislative process will go on and be a legacy that will be unsurpassed by any. Suffice it to say, as well, that our children and our grandchildren will long read in the history books about the public service of Speaker Dini.

It gives me great pleasure to bring this resolution forth, and I stand in support of the resolution.

ASSEMBLYMAN HETTRICK:

I, too, rise in support of the resolution. I've had the opportunity to visit some other chambers and I've seen their floor session in progress, and I wasn't very impressed. I also remember attending some meetings for some of the national organizations and listening to legislators talk about the rancor, fighting, harsh words and so on that went on on the floor during their sessions. I was almost shocked; I could hardly believe it.

I believe a great deal of the reason this body runs like it does—where we can have some humor and some fun and at the same time accomplish a great deal of work with respect for all—is to a tremendous degree the result of Speaker Dini's work in these chambers for seven terms as Speaker. Having had the opportunity to share that position with him, I know the kind of work he does, the tremendous job he does, and the respect he has from the staff and everyone involved here. I just want to say that I think this is more than fitting, more than appropriate, and urge every one of us, and I know we will, to support this resolution.

ASSEMBLYMAN PRICE:

I, too, rise in support of the resolution. Most of the things I have learned and been encouraged with over the years have come from Speaker Dini. I, too, have had the opportunity to observe the operation of different legislatures.

I would like to amend one thing that our Majority Leader just said—that our grandchildren will not be so much learning about the Speaker and his deeds from history books, but from history computers since they're all going to be reading computers in the future. Seriously, our beloved Speaker is in those history computers for several different reasons, one of which is serving as Speaker longer than any other person in the history of Nevada. Up until about 1975, no person had even served as Speaker twice. Historically, the house had changed Speakers every session. Joe has been a member of this house much longer than any other person who ever served in the Assembly, and so he holds that record in Nevada's history also. I think that it will be wonderful to have that very fine instrument up on the wall.

ASSEMBLYMAN MARVEL:

It is a pleasure for me to endorse this resolution. As the longest serving Republican in the Assembly, I've found Joe to be fair. Very seldom have we really ever been on a partisan issue. Whenever it has been partisan, Joe has, I think, used the best judgment and we've had a great relationship.

Most fitting is the fact that Joe is recognized not only for what he's done for the State of Nevada by Nevadans, but he is also recognized for how he has served his state on a very national level. I think this is most fitting that we honor the Speaker today.

ASSEMBLYMAN ANDERSON:

I, also, rise in support of the resolution for a wide variety of reasons. My colleague from Assembly District 17 indicated that it would be computers that were going to enshrine you as an historical figure. In reality, that's not the case, as all of us know. We're happy to support this resolution not only because the gavel will now be encased, and therefore incapable of being thrown—and thus for the protection of the Sergeant at Arms and others in near reach, but also because wherever we stand, we always know that you're there behind us and supporting us.

Like any other historical event, the telling of having served with a person like you makes us all better. Your light has extended for all of us to become better legislators and sets a model that we all hope to achieve.

ASSEMBLYMAN CARPENTER:

I rise in support of the resolution. I think that, Mr. Speaker, you are the rallying point for all of us—from the north to the south; the east and the west; Republican and Democrat. I believe you're the person most responsible for holding this body together, and I just want to give you my thanks.

ASSEMBLYMAN ERNAUT:

I, too, rise in support of this resolution. I'll try to give the perspective from one of the younger guys, now that the older guys have spoken.

I think the foundation of any body, and especially this body, is deeply rooted in its history; the farther that we stray from that history, the farther we stray from our jobs and our duty here in this body. I don't think there is any person or any institution that is more synonymous with the history of this body and the history of the State of Nevada than Speaker Dini. I know that I speak for many of our colleagues here when I say we are proud that we had the chance to serve with you. This gavel being enshrined behind the rostrum is a small token of our appreciation for your leadership, and hopefully it will endure the ages as you have.

ASSEMBLYMAN DINI:

Thank you, very much. This thing is a lethal weapon. It should be enshrined someplace, but it was given to me at that banquet, and if you approve, then we are going to put it up.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 319—An Act relating to state property; authorizing state agencies to contract for the services of private security guards under certain circumstances; providing for the qualifications of such independent contractors; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gustavson, Collins, Sandoval, Carpenter, Herrera, Manendo, Marvel, Von Tobel, Neighbors, de Braga, Anderson, Lambert, Parks, Mortenson, Lee, Price, Hickey, Segerblom, Amodei, Humke, Giunchigliani, Berman, Hettrick, Tiffany, Williams, Evans, Dini, Cegavske, Bache, Braunlin, Ernaut and Goldwater:

Assembly Bill No. 320—An Act relating to motorcycles; limiting the requirement for protective headgear for drivers and passengers; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Segerblom, Anderson, Perkins, Amodei, Arberry, Giunchigliani, Herrera, Williams, Buckley, Price, Collins, Koivisto, Lee,

Parks, Freeman, Neighbors, Ohrenschall, Carpenter, Sandoval, Manendo, de Braga, Nolan, Gustavson, Berman, Ernaut, Lambert, Mortenson and Goldwater:

Assembly Bill No. 321—An Act relating to trade practices; revising the provisions governing the use of a device for automatic dialing and announcing on telephones; prohibiting the use of such a device under certain circumstances; providing that the dissemination of an unsolicited prerecorded message is a deceptive trade practice under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 322—An Act relating to fishing licenses; providing for a reduced fee for a fishing license for a person with a severe mental disability; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 213.

Bill read second time.

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

Amendment No. 117.

Amend sec. 3, page 2, line 35, after "*2.*" by inserting: "*If a contract or an order is not awarded to the lowest bidder, the chief shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him.*

3.".

Amend the title of the bill, third line, after "contracts;" by inserting: "requiring the provision of a statement to the lowest bidder in certain circumstances;".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

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

Amendment No. 118.

Amend sec. 3, page 2, line 1, by deleting "*duties,*" and inserting: "*duties as determined by the board of county commissioners,*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective on July 1, 1997.".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 254.

Bill read second time.

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

Amendment No. 125.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 4 and 5 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

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

Sec. 2. *"Federal agency" means any agency, bureau, board, commission, department, division, officer or employee of the United States Government.*

Sec. 3. *"State agency" means any agency, bureau, board, commission, department, division, officer or employee of the executive department of the state government except the members and staff of the commission.*".

Amend sec. 2, page 3, by deleting lines 29 through 31 and inserting:

"704.755 [1.] A utility which supplies natural gas in this state shall [, periodically, as] *file annually with the commission, in a format* prescribed by the commission, [submit to the commission a plan] *an informational report* which describes:".

Amend sec. 2, page 3, line 32, by deleting "(a)" and inserting "[(a)] *1.*".

Amend sec. 2, page 3, line 34, by deleting "(b)" and inserting "[(b)] *2.*".

Amend sec. 2, page 3, line 36, by deleting "and" and inserting "[and".

Amend sec. 2, page 3, line 37, by deleting "(c)" and inserting "(c)] *3.*".

Amend sec. 2, page 3, line 39, by deleting "source." and inserting: "source [.] *; and*

4. Significant operational or capital requirements of the utility or other material information related to its provision of gas service in this state.".

Amend sec. 2, page 3, line 40, by deleting "2. [The" and inserting "[2. The".

Amend sec. 2, page 4, line 1, by deleting "3.]" and inserting "3.".

Amend sec. 2, page 4, line 4, by deleting "[4.] *3.*" and inserting "4.".

Amend sec. 2, page 4, line 6, by deleting "more." and inserting "more.]".

Amend the bill as a whole by deleting sec. 3 and the leadlines of repealed sections and adding new sections designated sections 6 through 9, following sec. 2, to read as follows:

"Sec. 6. NRS 704.830 is hereby amended to read as follows:

704.830 As used in NRS 704.820 to 704.900, inclusive, unless the context otherwise requires, the words and terms defined in NRS 704.840 to 704.860, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities;

2. Electric transmission lines and transmission substations designed to operate at 200 kilovolts or more, and not required by local ordinance to be placed underground when constructed outside any incorporated city;

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside any incorporated city [;] *except when:*

(a) Constructed in dedicated public road rights of way; or

(b) A federal agency, state agency or local government has required the preparation of an environmental assessment or environmental impact statement relating to the construction pursuant to a federal or state statute or regulation or a local ordinance;

4. Telephone and telegraph equipment buildings, their associated facilities and the sites thereof, when constructed outside any incorporated city;

5. Water storage, transmission and treatment facilities; and

6. Sewer transmission and treatment facilities.

Sec. 8. NRS 704.865 is hereby amended to read as follows:

704.865 1. A person, other than a local government, shall not commence to construct a utility facility in the state without first having obtained a permit therefor from the commission. The replacement of an existing facility with a like facility, as determined by the commission, does not constitute construction of a utility facility. Any facility, with respect to which a permit is required, must thereafter be constructed, operated and maintained in conformity with the permit and any terms, conditions and modifications contained therein. A permit may only be issued pursuant to

NRS 704.820 to 704.900, inclusive. Any authorization relating to a utility facility granted under other laws administered by the commission constitutes a permit under those sections if the requirements of those sections have been complied with in the proceedings leading to the granting of the authorization.

2. A permit may be transferred, subject to the approval of the commission, to a person who agrees to comply with the terms, conditions and modifications contained therein.

3. NRS 704.820 to 704.900, inclusive, do not apply to any utility facility:

(a) For which, before July 1, 1971, an application for the approval of the facility has been made to any federal, state, regional or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in NRS 704.890;

(b) For which, before July 1, 1971, a governmental agency has approved the construction of the facility and the person has incurred indebtedness to finance all or part of the cost of the construction; or

(c) Over which [an agency of the Federal Government] *a federal agency* has exclusive jurisdiction.

4. Any person intending to construct a utility facility excluded from NRS 704.820 to 704.900, inclusive, pursuant to paragraph (a) or (b) of subsection 3 may elect to waive the exclusion by delivering notice of its waiver to the commission. NRS 704.820 to 704.900, inclusive, thereafter apply to each utility facility identified in the notice from the date of its receipt by the commission.

5. If, pursuant to a federal or state statute or regulation or a local ordinance, a federal agency, state agency or local government has required the preparation of environmental assessment or environmental impact statement relating to the construction of gas transmission lines, storage plant, compressor stations and their associated facilities outside an incorporated city, the person intending to construct such facilities shall file a copy of the final environmental assessment or environmental impact statement with the commission within 30 days before construction commences.

Sec. 9. This act becomes effective on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to public utilities; revising the provisions of the Utility Environmental Protection Act relating to a utility that supplies natural gas; revising the reporting requirements of such a utility to the public service commission of Nevada; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 254 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Concurrent Resolution No. 5 be re-referred to the Committee on Health and Human Services.

Motion carried.

Assemblyman Perkins moved that Assembly Joint Resolution No. 7 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblymen de Braga, Freeman, Carpenter, Ohrenschall, Ernaut, Neighbors, Goldwater, Segerblom and Humke.

Conflict of interest declared by Assemblyman Ernaut.

Potential conflict of interest declared by Assemblywoman Segerblom.

Roll call on Assembly Joint Resolution No. 7:

YEAS — 39.

NAYS — None.

Excused — Collins, Evans — 2.

Not voting — Ernaut.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Assembly Bill No. 68:

YEAS — 39.

NAYS — Anderson.

Excused — Collins, Evans — 2.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 95:

YEAS — 40.

NAYS — None.

Excused — Collins, Evans — 2.

Assembly Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblymen Gustavson, Buckley, Ohrenschall, Sandoval, Anderson, Herrera, Price, and Nolan.

Roll call on Assembly Bill No. 103:

YEAS — 17.

NAYS —Anderson, Amodei, Arberry, Bache, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Herrera, Koivisto, Krenzer, Lee, Manendo, Neighbors, Ohrenschall, Parks, Price, Williams—23.

Excused — Collins, Evans—2.

Assembly Bill No. 103 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 186:

YEAS — 40.

NAYS — None.

Excused — Collins, Evans — 2.

Assembly Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblymen Amodei, Goldwater and Arberry.

Potential conflict of interest declared by Assemblyman Goldwater.

Assemblyman Arberry moved that Assembly Bill No. 201 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 251.
Bill read third time.
Remarks by Assemblyman Neighbors.
Roll call on Assembly Bill No. 251:
YEAS — 40.
NAYS — None.
Excused — Collins, Evans — 2.
Assembly Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1.
Resolution read third time.
Remarks by Assemblywoman Freeman.
Roll call on Senate Joint Resolution No. 1:
YEAS — 40.
NAYS — None.
Excused — Collins, Evans — 2.
Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 14.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Liz Merritt and Merle Merritt.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Carlson and George Mueller.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Sinclair.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, April 1, 1997 at 11 a.m.
Motion carried.

Assembly adjourned at 12:39 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 1, 1997

Assembly called to order at 11:29 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Elder Edgar G. Carlson.

Our Father who art in Heaven, we humbly bow our heads in prayer at the commencement of this session of the State Assembly. We pray for Thy spirit to be with all those who participate and who represent the citizens of the great State of Nevada. May Thou help those here today to accomplish those tasks before them. We humbly ask in the Name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 106, 165, 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 62, 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 71, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SAUNDRA KRENZER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 31, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 22.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 123, 146, 189.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 27, 31, 106, 132, 151.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolutions Nos. 6, 8.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Freeman, de Braga, Lambert, Von Tobel, Collins, Herrera, Williams, Arberry, Giunchigliani, Goldwater, Amodei, Ohrenschall, Marvel, Neighbors, Parks, Koivisto, Lee, Mortenson, Chowning, Ernaut, Hettrick, Perkins, Buckley and Berman:

Assembly Concurrent Resolution No. 10—Expressing support for Nevada's Comprehensive School Health Program.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Education.

Motion carried.

Senate Joint Resolution No. 6.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 8.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblyman Bache moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Close, Koivisto, Nolan, Sandoval, Giunchigliani, Goldwater, Amodei, Tiffany, Von Tobel, Freeman, Ohrenschall, Arberry, Chowning, Buckley, Parks, Braunlin, Herrera, Humke, Lee, Perkins, Segerblom, Anderson, Hickey, Price, Krenzer, Berman and Cegavske:

Assembly Bill No. 323—An Act relating to traffic laws; prohibiting a person under certain circumstances from riding within the bed of a pickup truck or within a camper shell or slide-in camper unless he is in a seat bolted to the frame of the vehicle and is wearing a safety belt; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 27.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 31.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 106.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 123.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 132.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 146.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 151.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 189.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 106.

Amend section 1, page 1, line 1, by deleting "449" and inserting "450B".

Amend sec. 3, page 1, by deleting lines 6 and 7, and inserting:

"Sec. 3. *"Do-not-resuscitate identification" means:*

A form of identification approved by the health authority, which signifies".

Amend sec. 3, page 1, line 9, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 3, page 1, line 11, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 3, page 1, line 12, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 3, page 1, line 13, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 3, page 1, line 14, by deleting "*(c)*" and inserting "*(3)*".

Amend sec. 3, page 1, between lines 14 and 15, by inserting:

"*2. The term also includes a valid do-not-resuscitate identification issued under the laws of another state.*".

Amend sec. 4, page 1, line 17, after "*patient.*" by inserting: "*The term also includes a valid do-not-resuscitate order issued under the laws of another state.*".

Amend sec. 5, pages 1 and 2, by deleting lines 18 and 19 on page 1 and lines 1 and 2 on page 2 and inserting:

"Sec. 5. *"Do-not-resuscitate protocol" means the standardized procedure and guidelines established by the health authority for the withholding of emergency life-resuscitating treatment in compliance with a do-not-resuscitate order or a do-not-resuscitate identification.*".

Amend sec. 7, page 2, line 6, by deleting "*resuscitation.*" and inserting: "*resuscitation, including chest compressions, defibrillation, cardioversion, assisted ventilation, airway intubation or administration of cardiotonic drugs.*".

Amend sec. 8, page 2, line 9, by deleting: "*or other person employed to provide emergency medical services*" and inserting: "*ambulance attendant or other person trained to provide emergency medical services.*".

Amend sec. 8, page 2, by deleting line 10.

Amend sec. 11, page 2, line 16, by deleting: "*The health division*" and inserting:

"*1. The health authority*".

Amend sec. 11, page 2, by deleting lines 19 through 25, and inserting:

"*(a) A do-not-resuscitate protocol.*

(b) The procedure to apply for a do-not-resuscitate identification.

(c) The price to obtain a do-not-resuscitate identification. The price must not exceed the actual cost to the health authority in manufacturing or obtaining the identification from a manufacturer, including the cost of shipping and handling.

2. In the case of a county or district board of health, such regulations take effect immediately upon approval by the state board of health.".

Amend sec. 12, page 2, line 26, by deleting "*bracelet*" and inserting: "*issued by the health authority*".

Amend sec. 12, page 2, line 29, by deleting "*bracelet*" and inserting "*identification*".

Amend sec. 13, page 2, line 36, by deleting "*shall*" and inserting "*may*".

Amend sec. 13, page 2, line 37, by deleting "*division*" and inserting "*authority*".

Amend sec. 13, page 2, line 38, by deleting "*bracelet*".

Amend sec. 14, page 2, line 39, by deleting "*division*" and inserting "*authority*".

Amend sec. 14, page 2, line 40, by deleting "*bracelet*".

Amend sec. 14, page 2, line 41, by deleting "*division.*" and inserting "*authority.*".

Amend sec. 14, page 2, line 42, by deleting "*identification bracelet,*" and inserting "*identification,*".

Amend sec. 14, page 2, line 43, by deleting "*division*" and inserting "*authority*".

Amend sec. 14, page 3, line 2, by deleting: "*of his decision to apply for a bracelet.*" and inserting: "*or if he has no such members living and has no legal guardian, his caretaker, if any, of his decision to apply for an identification.*".

Amend sec. 15, page 3, by deleting lines 21 through 23, and inserting: "may revoke his authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of his identification or otherwise indicating to a person that he wishes to have his identification removed or destroyed.".

Amend sec. 16, page 3, line 28, by deleting "*bracelet*".

Amend sec. 16, page 3, line 31, by deleting "*bracelet*".

Amend sec. 16, page 3, line 35, by deleting "*bracelet*".

Amend sec. 16, page 3, line 38, after "*facility*" by inserting: "*, ambulance service or fire fighting agency*".

Amend sec. 16, page 4, line 2, by deleting "*identification bracelet;*" and inserting "*identification;*".

Amend sec. 16, page 4, by deleting lines 3 through 5, and inserting:

"*(b) An observation that a qualified patient has removed or destroyed or requested the removal or destruction of his do-not-resuscitate identification or otherwise indicated that he wished to have his identification removed or destroyed,*".

Amend sec. 17, page 4, line 10, by deleting "*identification bracelet;*" and inserting "*identification;*".

Amend sec. 17, page 4, line 15, by deleting "*bracelet*".

Amend sec. 18, page 4, line 19, by deleting "*bracelet*".

Amend sec. 18, page 4, lines 26 and 27, by deleting "*identification bracelet,*" and inserting "*identification,*".

Amend sec. 19, page 4, line 34, by deleting "*bracelet*".

Amend sec. 19, page 4, line 39, by deleting "*identification bracelet,*" and inserting "*identification,*".

Amend sec. 19, page 4, line 42, by deleting "*bracelet*".

Amend sec. 20, page 5, line 6, by deleting: "*bracelet of a qualified patient*" and inserting: "*of a qualified patient, unless it is done in compliance with the request of the qualified patient to remove or destroy his do-not-resuscitate identification.*".

Amend sec. 20, page 5, line 8, by deleting "*bracelet*".

Amend sec. 20, page 5, line 9, by deleting "*bracelet*".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman de Braga moved that Assembly Bill No. 49 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 85.

Amend section 1, page 1, line 4, by deleting: "*Masonic fraternities in this state,*" and inserting: "*Grand Lodge of Free and Accepted Masons of the State of Nevada,*".

Amend section 1, page 1, line 5, by deleting: "*a Masonic fraternity*" and inserting: "*the Grand Lodge of Free and Accepted Masons*".

Amend section 1, page 1, line 10, by deleting: "*a Masonic fraternity*" and inserting: "*the Grand Lodge of Free and Accepted Masons*".

Amend section 1, page 1, lines 15 and 16, by deleting: "*a Masonic fraternity*" and inserting: "*the Grand Lodge of Free and Accepted Masons*".

Amend section 1, page 1, line 18, by deleting: "*a Masonic fraternity.*" and inserting: "*the Grand Lodge of Free and Accepted Masons.*".

Amend section 1, page 1, line 20, by deleting: "*a Masonic fraternity*" and inserting: "*the Grand Lodge of Free and Accepted Masons*".

Amend section 1, page 2, by deleting lines 1 and 2 and inserting: "*stamped or otherwise validated by the Grand Lodge of Free and Accepted Masons. The Grand Lodge of Free and Accepted Masons may charge a fee for validating an application.*".

Amend section 1, page 2, by deleting line 4 and inserting: "*affiliation with the Grand Lodge of Free and Accepted Masons is $35, in addition to all other*".

Amend section 1, page 2, line 6, by deleting "*$5*" and inserting "*$20*".

Amend section 1, page 2, between lines 16 and 17, by inserting:

"*6. For the purposes of this section, "Grand Lodge of Free and Accepted Masons" means the Grand Lodge of Free and Accepted Masons of the State of Nevada, or its successor, and any recognized sister jurisdiction or organization of the Grand Lodge of Free and Accepted Masons.*".

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. The amendatory provisions of this act expire by limitation on October 1, 2001, if on that date the department of motor vehicles and public

safety has received fewer than 250 applications for the issuance of a license plate pursuant to section 1 of this act.".

Amend the title of the bill, second line, by deleting: "a Masonic fraternity;" and inserting: "the Grand Lodge of Free and Accepted Masons of the State of Nevada;".

Amend the summary of the bill, first and second lines, by deleting "Masonic fraternity." and inserting: "Grand Lodge of Free and Accepted Masons of State of Nevada.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 111.

Amend sec. 2, page 1, by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 3, page 1, by deleting lines 14 through 17 and inserting:

"Sec. 3. *1. A person shall not discharge fireworks within or into a state park.*".

Amend the title of the bill to read as follows: "An Act relating to state parks; prohibiting the discharge of fireworks within or into a state park; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Prohibits certain acts within state parks. (BDR 35-450)".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblymen Neighbors, Bache and Carpenter.

Amendment adopted.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 108.

Amend sec. 2, page 1, by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 3, page 1, line 14, by deleting "*A*" and inserting: "*Except as otherwise provided in subsection 2, a*".

Amend sec. 3, page 1, line 17, by deleting: "*or other explosives*".

Amend sec. 3, page 1, line 18, after "*2.*" by inserting: "*This section does not prohibit the possession of fireworks which are being transported through the state park, if the fireworks remain within the passenger or cargo area of the vehicle.*

3.".

Amend the title of the bill to read as follows: "An Act relating to state parks; prohibiting the possession and discharge of fireworks within or into a state park; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Prohibits certain acts within state parks. (BDR 35-450)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, de Braga and Buckley.

Amendment lost.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 66.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated as section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The administrator shall adopt regulations specifying a schedule of administrative fines which may be imposed, upon notice and a hearing, for each violation of the provisions of this section and NRS 555.235 to 555.249, inclusive, or the regulations adopted pursuant thereto. The maximum fine that the administrator may impose for each violation may not exceed:

(a) For the first violation, $250;

(b) For the second violation, $500; and

(c) For each subsequent violation, $1,000.

All fines collected by the administrator pursuant to this section must be deposited with the state treasurer for credit to the state general fund.

2. The administrator may:

(a) In addition to imposing an administrative fine pursuant to this section, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person who the administrator suspects may have committed flagrant or repeated violations of any provisions of this section and NRS 555.235 to 555.249, inclusive.".

Amend section 1, page 1, by deleting lines 2 through 12, and inserting:

"555.249 Any person violating the provisions of NRS 555.235 to 555.249, inclusive, *and section 1 of this act,* or the regulations [issued

thereunder] *adopted pursuant thereto* is guilty of a misdemeanor [.] *and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment. The prosecuting attorney and the division may recover the costs of the proceeding, including investigative costs and attorney's fees, against a person convicted of a misdemeanor pursuant to this section.*".

Amend the title of the bill to read as follows: "An Act relating to nurseries; providing for the recovery of certain costs from a defendant convicted of violating certain statutes and regulations; authorizing the administrator of the division of agriculture of the department of business and industry to impose administrative fines for certain violations; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting "administrative fine" and inserting: "for administrative fines and recovery of certain costs".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 67.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 581 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The state sealer of weights and measures shall adopt regulations specifying a schedule of administrative fines that may be imposed, upon notice and a hearing, for each violation of the provisions of this chapter, or the regulations adopted pursuant thereto. The maximum fine that the state sealer of weights and measures may impose for each violation may not exceed:

(a) For the first violation, $250;

(b) For the second violation, $500; and

(c) For each subsequent violation, $1,000.

All fines collected by the state sealer of weights and measures pursuant to this section must be deposited with the state treasurer for credit to the state general fund.

2. The state sealer of weights and measures may:

(a) In addition to imposing an administrative fine pursuant to this section, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the state sealer of weights and measures suspects may have committed flagrant or repeated violations of any provision of this chapter.".

Amend section 1, page 1, line 2, by deleting "1." and inserting "[1.]".

Amend section 1, page 1, by deleting lines 5 through 7 and inserting: "be] *adopted pursuant thereto is* guilty of a misdemeanor [.".

Amend section 1, page 1, line 8, by deleting the open bracket.

Amend section 1, pages 1 and 2, by deleting lines 16 through 19 on page 1 and lines 1 through 6 on page 2, and inserting: "*and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment. The prosecuting attorney and the division may recover the costs of the proceeding, including investigative costs and attorney's fees, against a person convicted of a misdemeanor pursuant to this section.*".

Amend the title of the bill to read as follows: "An Act relating to commodities; providing for the recovery of certain costs from a defendant convicted of violating certain statutes and regulations governing weights and measures; authorizing the state sealer of weights and measures to impose administrative fines for certain violations of such statutes and regulations; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "administrative fine" and inserting: "for administrative fines and recovery of certain costs".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 134.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 84.

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

"Section 1. NRS 482.333 is hereby amended to read as follows:

482.333 1. A person shall not engage in the activity of a broker of vehicles in this state without first having received a license from the

department. Before issuing a license to a broker, the department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant desires to be licensed as a broker, his residential address and the address of his principal place of business;

(b) A statement as to whether any previous application of the applicant for a license as a vehicle dealer or broker has been denied or whether such a license has been suspended or revoked;

(c) Payment of a nonrefundable license fee of $125;

(d) For initial licensure, the submission of a complete set of the applicant's fingerprints and written permission authorizing the department to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report; and

(e) Any other information the department deems necessary.

A license issued pursuant to this section expires on December 31 of the year in which it was issued and may be renewed annually upon the payment of a fee of $50.

2. An application for a broker's license may be denied and a broker's license may be suspended or revoked upon the following grounds:

(a) Conviction of a felony;

(b) Conviction of a gross misdemeanor;

(c) Conviction of a misdemeanor for violation of any of the provisions of this chapter;

(d) Falsification of the application; [or]

(e) *Failure or refusal to provide to the department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6; or*

(f) Any other reason determined by the director to be in the best interests of the public.

3. If an application for a broker's license has been denied, the applicant may not reapply sooner than 6 months after the denial.

4. A broker's license must be posted in a conspicuous place on the premises of the broker's principal place of business.

5. If any information submitted in the application for a broker's license changes, the broker shall submit a written notice of the change to the department within 10 days.

6. *Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the activity of a broker of vehicles, the department may require the applicant or licensee to submit to the department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The department may use any information*

obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the department who are authorized to issue a license to an applicant pursuant to NRS 482.333 to 482.334, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

7. Except as otherwise provided in NRS 482.555, any person who fails to comply with the provisions of this section is guilty of a misdemeanor.

Sec. 2. NRS 482.352 is hereby amended to read as follows:

482.352 1. The department may deny the issuance of, suspend or revoke a license to engage in the activities of a manufacturer, distributor, rebuilder or dealer in new or used vehicles or to engage in the leasing of vehicles upon any of the following grounds:

(a) Failure of the applicant to have an established place of business in this state.

(b) Conviction of a felony in the State of Nevada or any other state, territory or nation.

(c) Material misstatement in the application.

(d) Evidence of unfitness of the applicant or licensee.

(e) Willful failure to comply with any of the provisions of the motor vehicle laws of the State of Nevada or the directives of the director. For the purpose of this [subsection,] *paragraph,* failure to comply with the directives of the director advising the licensee of his noncompliance with any provision of the motor vehicle laws of this state or regulations of the department, within 10 days after receipt of the directive, is prima facie evidence of willful failure to comply with the directive.

(f) Failure or refusal to furnish and keep in force any bond.

(g) Failure on the part of the licensee to maintain a fixed place of business in this state.

(h) Failure or refusal by a licensee to pay or otherwise discharge any final judgment against the licensee rendered and entered against him, arising out of the misrepresentation of any vehicle, trailer or semitrailer, or out of any fraud committed in connection with the sale of any vehicle, trailer or semitrailer.

(i) Failure of the licensee to maintain any other license or bond required by any political subdivision of this state.

(j) Allowing an unlicensed salesman to sell or lease any vehicle.

(k) Failure or refusal to provide to the department an authorization for the disclosure of financial records for the business as required pursuant to subsection 3.

2. The director may deny the issuance of a license to an applicant or revoke a license already issued if the department is satisfied that the applicant or licensee is not entitled thereto.

3. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the activities of a manufacturer, distributor, dealer or rebuilder, the department may require the applicant or licensee to submit to the department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the department who are authorized to issue a license to an applicant pursuant to NRS 482.318 to 482.363105, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.".

Amend sec. 3, page 3, by deleting lines 25 through 28, and inserting: "department; and

(b) The fee for renewal of a license provided in NRS 487.080.".

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 487.160 is hereby amended to read as follows:

487.160 1. The department, after notice and hearing, may suspend, revoke or refuse to renew a license of an automobile wrecker upon determining that the automobile wrecker:

(a) Is not lawfully entitled thereto;

(b) Has made, or knowingly or negligently permitted, any illegal use of that license;

(c) Has failed to return a certificate of dismantling to the state agency when and as required of him by NRS 487.045 to 487.190, inclusive; or

(d) Has failed to surrender to the state agency certificates of ownership for vehicles before beginning to dismantle or wreck the vehicles.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal, suspension or revocation, petition the department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. The department may suspend, revoke or refuse to renew a license of an automobile wrecker, or deny a license to an applicant therefor, if the licensee or applicant:

(a) Does not have or maintain an established place of business in this state.

(b) Made a material misstatement in any application.

(c) Willfully fails to comply with any provision of NRS 487.045 to 487.190, inclusive.

(d) Fails to furnish and keep in force any bond required by NRS 487.050 to 487.190, inclusive.

(e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation of a vehicle, trailer or semitrailer.

(f) Fails to maintain any license or bond required by a political subdivision of this state.

(g) Has been convicted of a felony.

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(i) Fails or refuses to provide to the department an authorization for the disclosure of financial records for the business as required pursuant to subsection 7.

5. If an application for a license as an automobile wrecker is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

6. The department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of this chapter.

7. *Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy any financial obligation related to the business of dismantling, scrapping, processing or wrecking of vehicles, the department may require the applicant or licensee to submit to the department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the department who are authorized to issue a license to an applicant pursuant to NRS 487.050 to 487.200, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.*

8. For the purposes of this section, failure to adhere to the directives of the state agency advising the licensee of his noncompliance with any provision of NRS 487.045 to 487.190, inclusive, or regulations of the state agency, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.".

Amend sec. 5, page 4, line 4, after "application" by inserting: "*for a license to operate a salvage pool* ".

Amend sec. 5, page 4, by deleting lines 12 through 15, and inserting: "department; and

(b) The fee for renewal of a license provided in NRS 487.450.".

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

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"Sec. 6. NRS 487.490 is hereby amended to read as follows:

487.490 1. The department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license of an operator of a salvage pool upon determining that the operator:

(a) Is not lawfully entitled to the license;

(b) Has made, or knowingly or negligently permitted, any illegal use of that license;

(c) Made a material misstatement in any application;

(d) Willfully fails to comply with any provision of NRS 487.400 to 487.510, inclusive;

(e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation regarding a vehicle;

(f) Fails to maintain any license or bond required by a political subdivision of this state;

(g) Has been convicted of a felony; [or]

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter [.] *; or*

(i) Fails or refuses to provide to the department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal to grant or renew or the suspension or revocation of a license, petition the department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. If an application for a license as an operator of a salvage pool is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

5. The department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of NRS 487.400 to 487.510, inclusive.

6. *Upon the receipt of any report or complaint that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a salvage pool, the department may require the applicant or licensee to submit to the department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the department who are authorized to issue a license to an applicant pursuant to NRS 487.400 to 487.510, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.*

7. For the purposes of this section, the failure to adhere to the directives of the department advising the licensee of his noncompliance with any provision of NRS 487.400 to 487.510, inclusive, or regulations of the department, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.".

Amend sec. 6, page 4, by deleting lines 19 through 33, and inserting: "application must be accompanied by such proof as the department requires to evidence that the applicant meets the statutory requirements to become an operator of a body shop.

2. The department shall charge a fee of $300 for the issuance or renewal".

Amend sec. 6, page 4, line 37, by deleting "[3.] *4.*" and inserting "3.".

Amend sec. 6, page 4, line 41, by deleting "[4.] *5.*" and inserting "4.".

Amend sec. 6, page 5, by deleting lines 1 through 9 and inserting:

"5. A license expires on [December 31 of the year for which it is issued.] *April 30 of each year.*

6. A licensee may renew his license by submitting to the department:

(a) A completed application for renewal upon a form supplied by the department; and

(b) The fee for renewal of a license provided in subsection 2.".

Amend the bill as a whole by renumbering sec. 7 as sec. 9 and adding a new section designated sec. 8, following sec. 6, to read as follows:

"Sec. 8. NRS 487.650 is hereby amended to read as follows:

487.650 *1.* The department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

[1.] *(a)* Failure of the applicant or licensee to have or maintain an established place of business in this state.

[2.] *(b)* Conviction of the operator of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

[3.] *(c)* Any material misstatement in the application for the license.

[4.] *(d)* Willful failure of the applicant or operator to comply with the motor vehicle laws of this state, NRS 487.035, 487.610 to 487.690, inclusive, or 597.480 to 597.590, inclusive.

[5.] *(e)* Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the department may require the applicant or licensee to submit to the department an

authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.".

Amend sec. 7, page 5, line 11, by deleting "6," and inserting "7,".

Amend sec. 7, page 5, line 19, by deleting "6," and inserting "7,".

Amend sec. 7, page 5, line 32, by deleting "6," and inserting "7,".

Amend the title of the bill to read as follows: "An Act relating to the department of motor vehicles and public safety; authorizing the department in certain circumstances to request an authorization for the disclosure of certain financial information from applicants for and holders of certain occupational licenses; authorizing the department to suspend, revoke, or refuse to issue or renew such a license if such an authorization is not provided; limiting the use and disclosure by the department of the information obtained from such an authorization; revising the expiration dates for certain occupational licenses issued by the department; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 188.

Bill read second time and ordered to third reading.

Assembly Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 134.

Amend section 1, page 1, line 3, after "Services." by inserting: "The program established must be certified by the Bureau of Alcohol and Drug Abuse in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, pursuant to subsection 3 of NRS 458.025.".

Amend the title of the bill, second line, after "Program;" by inserting: "requiring that the program be certified by the Bureau of Alcohol and Drug Abuse in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 133.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

A family court located in any county whose population is 400,000 or more shall maintain statistics regarding the cases filed with the court each year, including, without limitation:

1. The average number of cases assigned to each judge;

2. The final disposition of each case;

3. The length of time from commencement to final resolution of each case; and

4. Information concerning each case involving child custody, including, without limitation, the gender of the person who was awarded custody in each such case.".

Amend sec. 4, page 1, line 12, by deleting: "2 and 3" and inserting: "1, 3 and 4".

Amend sec. 4, page 1, line 14, by deleting "1" and inserting "2".

Amend the title of the bill, third line, after "court;" by inserting: "requiring the family court of the eighth judicial district to maintain certain statistics;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes to eighth judicial district. (BDR 1-1546)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 15.

The following Senate amendment was read:

Amendment No. 59.

Amend section 1, page 1, by deleting lines 3 through 14 and inserting:

"*1. Except as otherwise provided in this section, a peace officer, a fireman, an emergency medical technician certified pursuant to chapter 450B of NRS or a security guard, who operates a bicycle while he is on duty, is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a bicycle while on duty if he:*

(a) Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or

(b) Determines that noncompliance with any such provision is necessary to carry out his duties.

2. The provisions of this section do not:

(a) Relieve a peace officer, fireman, emergency medical technician or security guard from the duty to operate a bicycle with due regard for the safety of others.

(b) Protect such a person from the consequences of his disregard for the safety of others.

3. As used in this section, "security guard" means a person employed as a watchman, guard, patrolman or in any other similar position for the purpose of protecting property.".

Amend the title of the bill, first line, by deleting: "peace officers and firemen" and inserting "certain persons".

Amend the summary of the bill, first line, by deleting: "peace officers and firemen" and inserting "certain persons".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 15.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 9; Senate Bill No. 62; Senate Concurrent Resolutions Nos. 3, 23.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Amodei, Alisa Weber and Catherine Myler.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Werner.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Klein.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 2, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:16 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 2, 1997

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Elder Doyle Hanks.

Our Father which art in Heaven, Hallowed be Thy Name. We thank Thee for this day. We thank Thee for the service of the members of the Assembly. We ask Thee to bless the Assembly in their deliberations this day that what is done here will be for the benefit of the people of Nevada. Bless them with wisdom and understanding. Bless also their families for the sacrifices that they make to help them. In the Name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 185, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 11—Memorializing former Speaker of the Assembly and Mayor of the City of Sparks, Chester S. "Chet" Christensen.

WHEREAS, On March 2, 1997, the State of Nevada was saddened by the passing of Chester S. Christensen, a man whose service in state government spanned four decades; and

WHEREAS, Chet Christensen was born in April of 1916 to James and Mary Estella Rawson of Ogden, Utah; and

WHEREAS, After attending Weber College on a music scholarship, Chet Christensen moved to northern Nevada where he was a member of the Reno Lions Club Quartet, performed as a singer in nightclubs and on radio, worked as a fireman for the Southern Pacific Railroad out of Sparks and was a member of the Brotherhood of Locomotive Firemen and Engineers, Truckee Lodge 19; and

WHEREAS, Chet Christensen became Assemblyman Christensen in 1949, serving seven terms, including one term, 1955, as Speaker Pro Tempore and two terms, 1959 and 1961, as Speaker of the Assembly, and retiring on June 12, 1963, to take up the post of Mayor of the City of Sparks, whose residents knew him as the "Singing Mayor"; and

WHEREAS, During his time as an Assemblyman and Mayor, Chet Christensen's leadership was exemplified through legislation to regulate the gaming industry and to establish Nevada's program for aid to dependent children, as well as the creation of the first office of city manager in the State of Nevada and a wide array of other positive legacies for the residents of this state; and

WHEREAS, In 1975, friends and colleagues within the Nevada Legislature welcomed back Assemblyman Christensen for an eighth term of service in the Assembly; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the State of Nevada grieves the passing of Chester S. Christensen and expresses its gratitude for his many years of service; and be it further

RESOLVED, That the State of Nevada extends its sincere condolence to the Christensen family on the loss of both Chet and Odessa Christensen, who preceded Chet in passing by merely 2 weeks; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Richard and Jim Christensen, the surviving sons of Chet and Odessa.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 12—Amending the Joint Rules of the Senate and Assembly for the 69th legislative session to establish standards for determining the division of fiscal responsibility for programs and services provided by the state and local governments.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as adopted by the 69th session of the Legislature are amended by the following addition:

23

STANDARDS FOR DETERMINING DIVISION OF FISCAL RESPONSIBILITY FOR PROGRAMS AND SERVICES PROVIDED BY STATE AND LOCAL GOVERNMENTS

Rule No. 23. Duties of Standing Committees.

Any standing committee of the Assembly or Senate to which a bill is referred that proposes or revises a division of fiscal responsibility between the state and a local government for a program or service shall review the bill by considering whether the division of fiscal responsibility will:

1. Eliminate duplicative services by defining fiscal responsibility to ensure:

(a) That the governmental entity required to operate the program or service has the authority to fund that program or service; and

(b) Flexibility, consistency and efficiency in the operation of the program or service.

2. Provide financial incentives for the operation of the program or service.

3. Eliminate restrictions that prevent the efficient operation of the program or service.

4. Ensure cooperative arrangements for the operation of the program or service, including, without limitation, the establishment of:

(a) A master plan for the operation of the program or service;

(b) A plan for the efficient operation of the program or service;

(c) Standards for determining the appropriate operator of the program or service;

(d) Standards of accountability for the operation of the program or service; and

(e) A plan to evaluate the operation of the program or service, including, without limitation:

(1) A review of the applicable provisions of NRS and NAC;

(2) A review of the applicable ordinances of local governments;

(3) The requirements for the operation of the program or service; and

(4) The requirement for an audit of the program or service on a regular basis

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 324—An Act relating to governmental financial administration; removing the provisions that require tort claims against this state or any of its agencies or political subdivisions to be filed within a certain period with the ex officio clerk of the state board of examiners; requiring those claims to be filed within a certain period with the attorney general; requiring the attorney general to approve, settle or deny the claims under certain circumstances; requiring the attorney general to investigate certain claims and submit a report of findings to the state board of examiners concerning those claims; removing the provisions that limit the amount of money that may be approved for payment by the state board of examiners or a political subdivision for certain claims or actions; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 325—An Act relating to welfare; creating a committee to conduct a study of the welfare programs provided by the state and local governments; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 326—An Act relating to legislators; broadening the provisions prohibiting the loss of job seniority of a legislator because of his absence from his employment while attending a legislative session to include employment by this state or a local government; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 188.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Assembly Bill No. 188:

YEAS—42.

NAYS—None.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 213.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 213:

YEAS—42.

NAYS—None.

Assembly Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 250:

YEAS—42.

NAYS—None.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Hettrick moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carpenter, de Braga, Neighbors, Hettrick, Dini, Segerblom, Bache and Marvel:

Assembly Bill No. 327—An Act relating to noxious weeds; revising provisions relating to the control of noxious weeds; authorizing the board of trustees of a general improvement district to provide for the control of noxious weeds; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 62.

Bill read second time and ordered to third reading.

Assembly Bill No. 71.

Bill read second time.

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

Amendment No. 135.

Amend sec. 2, page 2, by deleting lines 9 through 17 and inserting:

"2. Electric transmission lines and transmission substations designed to operate at 200 kilovolts or more, and not required by local ordinance to be placed underground when constructed outside any incorporated city;

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside any incorporated city;".

Amend the title of the bill, second line, by deleting "Act;" and inserting: "Act to exclude certain telephone and telegraph buildings, facilities and sites;".

Assemblywoman Braunlin moved the adoption of the amendment.

Remarks by Assemblywoman Braunlin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 106.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 87.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend the title of the bill by deleting the third and fourth lines and inserting: "investigator's licensing board; and".

Assemblyman Amodei moved the adoption of the amendment.

Remarks by Assemblyman Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 113.

Bill read second time and ordered to third reading.

Assembly Bill No. 120.

Bill read second time and ordered to third reading.

Assembly Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 88.

Amend sec. 7, page 1, by deleting lines 14 through 17, and inserting:

"Sec. 7. "Inspection" means a physical examination of the mechanical, electrical or plumbing systems of a structure or of the structural components of a structure. The term includes any consultation regarding a structure that is represented to be a certified inspection or any other title, word or other designation intended to imply or designate that the consultation is a certified inspection.".

Amend sec. 8, page 1, by deleting line 19, and inserting: "regarding the condition of a structure, that is:".

Amend sec. 8, page 2, line 1, after "Provided" by inserting: "after an inspection, in a written report,".

Amend sec. 8, page 2, by deleting lines 3 and 4, and inserting:

"2. Designed to describe and identify the inspected systems or structural components of the structure, their physical condition, any material defect and any recommendation for evaluation by another person.".

Amend sec. 9, page 2, line 5, after "who" by inserting: "examines any component of a structure and".

Amend sec. 9, page 2, line 6, by deleting "report but" and inserting: "report. The term".

Amend sec. 10, page 2, after line 21, by inserting:

"6. A person who provides an estimate of cost, repair or replacement of any improvements upon real estate.".

Amend sec. 12, page 2, line 32, after "2." by inserting: "Regulations prescribing a standard of practice and code of ethics for certified inspectors. Such regulations must establish a degree of care that must be exercised by a reasonably prudent certified inspector.

3.".

Amend sec. 17, page 3, line 32, after "to" by inserting: "maintain an office to".

Amend sec. 17, page 4, line 4, after "information" by inserting: "relating to the qualifications or background of the applicant that".

Amend sec. 18, page 4, line 12, by deleting "Mail the" and inserting: "Require more than one set of fingerprints;

(b) Mail a completed".

Amend sec. 18, page 4, line 14, by deleting "(b)" and inserting "(c)".

Amend sec. 19, page 4, line 20, by deleting "$500,000;" and inserting "$100,000;".

Amend sec. 19, page 4, line 21, by deleting "$500,000." and inserting "$100,000.".

Amend sec. 21, page 5, line 7, by deleting "90" and inserting "60".

Amend sec. 25, page 6, line 3, by deleting "$500" and inserting "$1,000".

Amend the bill as a whole by renumbering sec. 30 as sec. 31 and adding a new section designated sec. 30, following sec. 29, to read as follows:

"Sec. 30. NRS 113.150 is hereby amended to read as follows:

113.150 1. If a seller or his agent fails to serve a completed disclosure form in accordance with the requirements of NRS 113.130, the purchaser may, at any time before the conveyance of the property to the purchaser, rescind the agreement to purchase the property without any penalties.

2. If, before the conveyance of the property to the purchaser, a seller or his agent informs the purchaser or his agent, through the disclosure form or another written notice, of a defect in the property that was not identified in the agreement to purchase the property, the purchaser may:

(a) Rescind the agreement to purchase the property at any time before the conveyance of the property to the purchaser; or

(b) Recover from the seller the actual amount necessary to repair or replace the defective part of the property.

3. Rescission of an agreement pursuant to subsection 2 is effective only if made in writing, notarized and served not later than 4 working days after the date on which the purchaser is informed of the defect:

(a) On the holder of any escrow opened for the conveyance; or

(b) If an escrow has not been opened for the conveyance, on the seller or his agent.

4. Except as otherwise provided in subsection 5, if a seller conveys residential property to a purchaser without complying with the requirements of NRS 113.130 or otherwise providing the purchaser or his agent with written notice of all defects in the property of which the seller is aware, and there is a defect in the property of which the seller was aware before the property was conveyed to the purchaser and which was not identified in the agreement to purchase the property, the purchaser is entitled to recover from the seller treble the amount necessary to repair or replace the defective part of the property, together with court costs and reasonable attorney's fees. An action to enforce the provisions of this subsection must be commenced not later than 1 year after the purchaser discovers or reasonably should have discovered the defect or 2 years after the conveyance of the property to the purchaser, whichever occurs later.

5. A purchaser may not recover damages from a seller pursuant to subsection 4 on the basis of an error or omission in the disclosure form that

was caused by the seller's reliance upon information provided to the seller by:

(a) An officer or employee of this state or any political subdivision of this state in the ordinary course of his duties; or

(b) A contractor, engineer, land surveyor , *certified inspector as defined in section 5 of this act* or pesticide applicator, who was authorized to practice that profession in this state at the time the information was provided.

6. A purchaser of residential property may waive any of his rights under this section. Any such waiver is effective only if it is made in a written document that is signed by the purchaser and notarized.".

Amend sec. 30, page 7, line 23, by deleting "and 29" and inserting: "29 and 30".

Amend the title of the bill, first line, by deleting: "of real estate" and inserting "of structures".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 123.

Amend section 1, page 1, by deleting lines 8 and 9 and inserting: "*who is training such an animal to bring the animal into:*

(1) The place of public accommodation; or

(2) Any area within the place of public accommodation to which employees of the place have access, regardless of whether the area is open to the public; or".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 2, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 301.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 301.

The following Senate amendment was read:

Amendment No. 139.

Amend sec. 11, page 4, by deleting sec. 11 and inserting:

"Sec. 11. (Deleted by amendment.)".

Assemblyman Carpenter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 301.

Remarks by Assemblyman Carpenter.

Motion carried.

Bill ordered enrolled.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12:10 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 165 be re-referred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Natha Clyde Anderson.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Bottair and Bert Gorr.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Mouryne Dini, Joshua Renner, Shaina Renner, Brandon Dini, Domenic Dini, Tosca Renner, Nancy Kinnette and Tom Renner.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Angie Taylor.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Spieth and Debra Spieth.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Allgeier, Bob Allgeier, Joanne Barr, Lois Bolte, Lois Carty, Rick Carty, Hazel Carley, Jeanie Christianson, Wava Copley, Al Copley, Sherry Dilley, Larry Dilley, Kay Dupuis, Connie Elvik, Maria Gorrindo, Milly Griffin, Lorene Hanford, Pete Hanford, Lou Heckl, Ann Hersey, Fred Hersey, Phyllis Millard, Cherie Owen, Lorene Palmer, Bill Palmer, Alta Russell, Bob Russell, Brenda Robertson, Inez Rough, Shirley Schrengohst, Cindy Seligman, Charlotte Shroyer, Shaaron Snead, Paula Tarvainen, Mark Tarvainen, Beverly Willard and Harold Willard.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, April 3, 1997 at 11 a.m., and that it do so in memory of Frederick Elliott.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 3, 1997

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Elder George M. Keele.

Our Father in Heaven, we are gathered today under Thy watchful eye in this general mercantile store we call the Nevada State Assembly. In this marketplace, our stock in trade is freedom and restraint; our medium of exchange is words; our goal is human dignity; the glory is Thine. As Thou hast said: "Out of small things proceedeth that which is great." Please bless us, dear Lord, in the cacophony of lobbying, testifying, orating and debating to hear, to listen to and to remember the eternal sounds of our now-silent pioneers who once sat in this Assembly where we sit, to remember their noble deeds and their pure ideals and as we remember them, please bless us to recognize and follow the still, small voice of Thy Spirit. We humbly pray, in the Name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 105, 107, 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 2, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 237.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 3, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 24.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 4.

Assemblywoman Chowning moved the adoption of the resolution.

Remarks by Assemblywoman Chowning.

Resolution adopted.

Senate Concurrent Resolution No. 24.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 328—An Act relating to the state board of professional engineers and land surveyors; requiring certain governmental entities to notify the board concerning registered professional engineers and land surveyors who submit certain incomplete or rejected plans; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 329—An Act making an appropriation to the University and Community College System of Nevada for the relocation of the UNR Fire Protection Training Academy to the Dodd-Beals Facility in Carlin, Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 330—An Act relating to local governments; allowing a local government to authorize a planning commission or certain persons to make decisions relating to certain planning and zoning matters; providing a procedure for an appeal of such decisions; revising the provisions governing the acquisition, vacation or abandonment of certain real property by a local government; requiring that certain signs remain erected until the final disposition of certain applications; expanding the duties of a hearing examiner; revising the requirements relating to final maps and maps of reversion; authorizing approval of the vacation or abandonment of a street or easement in conjunction with approval of a tentative map; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 331—An Act making an appropriation to the Department of Education for technological improvements for schools; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 332—An Act relating to education; providing that surplus money in the state distributive school account does not revert to the state general fund; requiring that such money be distributed to school districts biennially; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to Concurrent Committees on Education and Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 201 be taken from the Chief Clerk's desk and placed at the bottom of General File.

Motion carried.

Assemblywoman Freeman moved that Assembly Bill No. 29 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Freeman.

Motion carried.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 32:

YEAS—42.

NAYS—None.

Assembly Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblymen Neighbors, Bache and Ernaut.

Assemblyman Ernaut moved that Assembly Bill No. 50 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 51.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 51:

YEAS—42.

NAYS—None.

Assembly Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 52:

YEAS—42.

NAYS—None.

Assembly Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblymen Freeman and Koivisto.

Potential conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 62:

YEAS—42.

NAYS—None.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Assemblywoman Krenzer moved that Assembly Bill No. 113 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblywoman Lambert.

Roll call on Assembly Bill No. 120:

YEAS—42.

NAYS—None.

Assembly Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 134.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 134:

YEAS—42.

NAYS—None.

Assembly Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblymen Amodei, Giunchigliani and Goldwater.

Potential conflict of interest declared by Assemblyman Goldwater.

Roll call on Assembly Bill No. 201:

YEAS—42.

NAYS—None.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 16.

Amend section 1, page 1, by deleting lines 9 and 10 and inserting: "*Medicine, to practice in such an area or to practice in an area designated by the Secretary of Health and Human Services:*

(a) Pursuant to 42 U.S.C. § 254c, as containing a medically underserved population; or

(b) Pursuant to 42 U.S.C. § 254e, as a health professional shortage area, as a condition to receiving a support fee.".

Amend section 1, pages 1 and 2, by deleting lines 15 through 18 on page 1 and lines 1 and 2 on page 2.

Amend section 1, page 2, line 3, by deleting "*5.*" and inserting "*4.*".

Amend sec. 3, page 2, by deleting lines 27 through 36 and inserting: "allowed, *as set forth in subsection 4,* with the first installment due 1 year after the date of the termination of his education or the completion of his internship for which the loan is made. The amounts of the installments may not be less than $50 and may be".

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend the title of the bill, fourth and fifth lines, by deleting: "extending the time for making the first installment of the loan of a student under certain circumstances;"

Assemblywoman Cegavske moved the adoption of the amendment.

Remarks by Assemblywoman Cegavske.

Amendment adopted.

Assemblyman Williams moved that Assembly Bill No. 12 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 61.

Bill read second time.

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

Amendment No. 116.

Amend section 1, page 2, by deleting lines 15 through 18 and inserting:

"*5. Employees of the department in which a vacancy exists may comprise more than one-third of the members of the panel if:*

(a) A member who is not such an employee is unable to serve on the panel because of illness or an emergency;

(b) The department has more than 1,000 employees; and

(c) The department has two or more divisions that administer separate and diverse programs and the employees of the department on the panel are not employed by the same division.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 131.

Amend sec. 3, page 2, line 2, by deleting "*5*" and inserting "*4*".

Amend sec. 4, page 2, line 22, by deleting "*10*" and inserting "*12*".

Amend sec. 5, page 3, line 29, by deleting "*9*" and inserting "*12*".

Amend sec. 7, page 5, by deleting lines 6 through 8 and inserting:

"State of Nevada [}

}ss.]

County of.....[}]".

Amend sec. 7, page 5, line 12, after "affirm" by inserting: "*under penalty of perjury*".

Amend sec. 7, page 5, line 14, by deleting "therein" and inserting: "[therein] *in the state, district, county, township, city or other area prescribed by law to which the office pertains*".

Amend sec. 7, page 5, line 26, by deleting "thereto;" and inserting: "thereto [;] , *including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office;*".

Amend sec. 7, page 6, by deleting lines 6 through 8 and inserting:

"State of Nevada [}

}ss.]

County of.....[}]".

Amend sec. 7, page 6, line 12, after "affirm" by inserting: "*under penalty of perjury*".

Amend sec. 7, page 6, line 14, by deleting "therein" and inserting: "[therein] *in the state, district, county, township, city or other area prescribed by law to which the office pertains*".

Amend sec. 7, page 6, line 19, after "state;" by deleting "and" and inserting "[and]".

Amend sec. 7, page 6, line 20, by deleting "thereto;" and inserting: "thereto [;] , *including, but not limited to, complying with any limitation*

prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office;".

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

"Sec. 8. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of state senator or assemblyman must execute and file with his declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned do swear or affirm *under penalty of perjury* that I have been a citizen resident of this state as required by NRS 218.010 and have resided or intend to reside at the following residence or residences during the 12 months immediately preceding the date of the general election for the office for which I have filed.

.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To.....	From ..... To .....
Dates of Residency	Dates of Residency
.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To.....	From ..... To .....
Dates of Residency	Dates of Residency
.....	.....

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where he actually resided or resides, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box, unless a street address has not been assigned to the residence.".

Amend sec. 10, page 7, after line 44, by inserting: "*The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution, constitutional amendment or statewide measure pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.*".

Amend sec. 14, pages 9 and 10, by deleting sec. 14 and inserting:

"Sec. 14. (Deleted by amendment.)".

Amend sec. 16, page 11, line 9, after "affirm" by inserting: "*under penalty of perjury*".

Amend sec. 16, page 11, line 12, after "affirm" by inserting: "*under penalty of perjury*".

Amend sec. 16, page 11, line 17, after "affirm" by inserting: "*under penalty of perjury*".

Amend sec. 16, page 11, line 20, after "affirm" by inserting: "*under penalty of perjury*".

Amend sec. 16, page 11, line 23, after "affirm" by inserting: "*under penalty of perjury*".

Amend sec. 17, page 12, line 32, by deleting "*"Rejected."*" and inserting "*"Canceled."*".

Amend sec. 18, page 13, by deleting lines 5 and 6 and inserting: "clerk within the designated territory on or before the [first Friday in February preceding the election.] *date on which a certificate of candidacy for a candidate of a major political party must be filed pursuant to NRS 293.180.*".

Amend sec. 20, page 15, by deleting sec. 20 and inserting:

"Sec. 20. (Deleted by amendment.)".

Amend sec. 22, page 16, by deleting sec. 22 and inserting:

"Sec. 22. (Deleted by amendment.)".

Amend sec. 24, page 17, by deleting lines 18 through 20 and inserting:

"(c) Is valid until the [verification of signatures is completed pursuant to NRS 293.1276 to 293.1279, inclusive.] *date on which the call for a special election is issued, as set forth in NRS 306.040.*".

Amend sec. 24, page 17, line 30, by deleting the bracket.

Amend sec. 24, page 17, line 34, by deleting the bracket.

Amend the title of the bill, fifth line, by deleting: "prohibiting electioneering near a polling place;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 185.

Bill read second time and ordered to third reading.

Assembly Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 138.

Amend section 1, page 1, line 5, after "*litigation*" by inserting: "*or in summary determination pursuant to subsection 4 of NRS 145.060 or subsection 2 of NRS 147.130*".

Amend section 1, page 1, line 7, after "*legatee*" by inserting "*, creditor*".

Amend sec. 2, page 2, line 18, after "heir," by inserting "*creditor,*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 63.

Bill read second time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 112.

Amend section 1, page 1, by deleting lines 13 and 14 and inserting: "*information on, his driver's license. If the licensee returns to this state for 14 contiguous days or more, the licensee shall, within 24 days after the date of his return, surrender the temporary license and obtain a license*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 75.

Bill read second time and ordered to third reading.

Senate Bill No. 84.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 75 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 185 be re-referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 22, 301; Assembly Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Longero.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelli Taylor and Clyda Anderson.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Kelley and Patty Kelley.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Mullin.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Paddy Ryan.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Castro and James Sande.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Ofe Hirigoyen, Maria Hirigoyen and Fran Marineri.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Benson, Christina Bradshaw, Travis Clanton, Nicole Cleeves, Keenan Copp, Heather Davis, Gigi Delgado, Gina Dore, Adam Flube, Davey Halabub, Kindal Hartley, Katy Holdeman, Kevin Jackson, Chase Johnson, Krystle McKerrihan, Amanda Merrill, Ashley Mitchell, Stephanie Morse, Nathan Newton, Heather Otterbein, Donna Hartley, Katherine Bradshaw, Tammy Holdeman, Jana McKerrihan, Cerena Cooper, Natalie Benson, Gary Dore, Carolyn Mitchell, Christine Talbott, Wes Peebles, Aaron Candee, Brittany Pounds, Jamie Scott, Justine Talbott, Holly Thiesen, Matt Thomas, Tynan Tillack, Bryan Allen, Andrew Ramos, Sonya Gahn, Jerry Garcia, Sean Laird, Billy

Guffey, Ryan Hammond, Staci Hoogestraat, Bradley Johnson, Bryan Stiehler, Rick Klena, Holly Komons, Chris Madone, Brandon Moore, Patrick Moore, LaShonda Munoz, Sara Murphy, Melissa Oglesby, Jesse Over, Ciarra Proulx, Sandy Stehman, Theresa Brocchini, Lolita Johnson, Peggy Madsen, Linda Proulx, Letty Ramos, Mary Moore, Regina Rojas, Anthony Steghieri, Parnell Springmeyer, James Stockton, Vanessa Wasilchuk and Wesley Weigand.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Kaelin Blunt.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Burt Gurr.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Warren Wish and Mrs. Warren Wish.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to David Herbst.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Ernest Freggiaro.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Spieth and Marv Rubin.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Ellie Riley.

Assemblyman Perkins moved that the Assembly adjourn until Monday, April 7, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 7, 1997

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Giunchigliani, who was excused.

Prayer by James Sadilek.

O God, my God! Aid Thou Thy trusted servants to have loving and tender hearts. Help them to spread, amongst all the nations of the earth, the light of guidance that cometh from the company on high. Verily, Thou art the strong, the powerful, the mighty, the all-subduing, the ever-giving. Verily, Thou art the generous, the tender, the most bountiful.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 6, 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 9, 195, 241, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 141, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 209, 246; Senate Bills Nos. 66, 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 39, 60, 79.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 179.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 33.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 15 and requests a conference, and appointed Senators Washington, Wiener and Jacobsen as a first Committee on Conference to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Herrera, Carpenter and Segerblom as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 15.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 8—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That John Meyer is elected as an additional attaché of the Assembly for the 69th session of the Legislature of the State of Nevada.

Assemblyman Herrera moved the adoption of the resolution.

Remarks by Assemblyman Herrera.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 333—An Act relating to mass transit; authorizing a regional transportation commission to use certain methods of procurement for a fixed guideway project and the rolling stock therefor; providing standards for the approval of such a project; designating the department of transportation as the oversight agency on such a project; specifying that certain tax proceeds may be used to pay the cost of such projects; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 334—An Act making an appropriation to the Western Nevada Development District to provide the matching money that is required to receive a federal grant to provide flood coordination services for western Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Herrera, Arberry and Williams:

Assembly Bill No. 335—An Act making an appropriation to the Clark County School District for the reclassification of the unlicensed employees of the school district; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 33.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 179.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 48.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 128.

Amend sec. 2, page 1, by deleting lines 14 through 16 and inserting:

"4. *"Wild burro" means a burro which is unbranded and unclaimed and*".

Amend sec. 2, page 2, line 1, by deleting "*6.*" and inserting "*5.*".

Amend sec. 4, page 2, by deleting lines 31 through 42 and inserting:

"2. The fund for the commission for the preservation of wild horses *and burros* is hereby created as a trust fund. The fund is a continuing fund without reversion. Except as otherwise provided in subsection 1, all money received for the preservation of wild horses *or burros* from any source other than the Heil trust must be deposited in the commission fund".

Amend sec. 4, page 3, line 4, by deleting "[3.] *4.*" and inserting "3.".

Amend sec. 4, page 3, line 7, by deleting "[4.] *5.*" and inserting "4.".

Amend sec. 4, page 3, by deleting lines 14 and 15 and inserting: "5. [The] *Except as otherwise provided in subsection 6, the* expenses of the".

Amend sec. 4, page 3, line 18, by deleting "*7.*" and inserting "*6.*".

Amend sec. 6, page 3, by deleting lines 43 and 44 and inserting:

"(d) Solicit and accept contributions for the commission fund and the Heil trust fund for wild horses;".

Amend sec. 7, page 4, by deleting lines 32 and 33.

Amend the title of the bill by deleting the third and fourth lines and inserting: "making the commission of certain acts relating to wild".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 74.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend the title of the bill by deleting the second and third lines and inserting: "and providing other matters properly".

Amend the summary of the bill to read as follows: "Summary—Authorizes collection of certain fees in municipal courts. (BDR 1-356)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 105.

Bill read second time and ordered to third reading.

Assembly Bill No. 107.

Bill read second time and ordered to third reading.

Assembly Bill No. 108.

Bill read second time and ordered to third reading.

Assembly Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 124.

Amend section 1, page 1, by deleting section 1 and inserting:

"Section 1. (Deleted by amendment.)".

Amend sec. 2, page 1, by deleting line 5 and inserting:

"623.024 "Practice [of interior design"] *as a registered interior designer"* means the rendering , *by a person registered pursuant to subsection 2 of NRS 623.180,* of".

Amend sec. 2, page 1, by deleting line 9 and inserting: "(a) A client's needs and goals for".

Amend sec. 3, page 2, by deleting lines 12 through 14 and inserting:

"623.026 "Registered interior designer" means [any] *a* person who [engages in the practice of interior design] *provides some or all of the services set forth in NRS 623.024* and holds a certificate of registration issued by the board [.] *pursuant to subsection 2 of NRS 623.180.*".

Amend sec. 4, page 2, line 16, by deleting "*constructive*".

Amend sec. 5, page 2, by deleting line 43 and inserting: "(c) [Interior design] *As a registered interior designer* or use the title of registered".

Amend sec. 5, page 3, by deleting lines 10 and 11 and inserting: "and seal. [Any] *A* person who is issued a certificate may practice architecture [, interior design] or residential design *or may practice as a registered interior designer* in this state, subject to the".

Amend sec. 6, pages 3 and 4, by deleting sec. 6 and inserting:

"Sec. 6. (Deleted by amendment.)".

Amend sec. 7, page 4, line 10, by deleting: "*constructive* interior design" and inserting: "[interior design] *as a registered interior designer*".

Amend sec. 7, page 4, line 16, by deleting "*constructive*".

Amend sec. 7, page 4, line 19, by deleting "*constructive*".

Amend sec. 7, page 4, line 22, by deleting "*constructive*".

Amend sec. 7, page 4, line 25, by deleting "*constructive*".

Amend sec. 7, page 4, line 28, by deleting "*constructive*".

Amend sec. 8, page 5, line 4, by deleting: "*constructive* interior design" and inserting: "[interior design] *as a registered interior designer*".

Amend sec. 9, page 5, by deleting lines 15 and 16 and inserting: "certificates of registration to practice [architecture, interior design] *:*

1. Architecture or residential design *; or*

2. As a registered interior designer,

issued and renewed pursuant to the provisions of this".

Amend sec. 10, page 5, by deleting lines 23 and 24 and inserting:

"preceding a biennium during which he desires to continue [the] *:*

(a) The practice of architecture [, interior design] or residential design [,] *; or*

(b) To practice as a registered interior designer,

submit a".

Amend sec. 11, page 6, by deleting lines 4 and 5 and inserting: "incompetency, negligence or gross negligence in [the] *:*

(1) The practice of architecture [, interior design] or residential design [.] *; or*

(2) His practice as a registered interior designer.".

Amend sec. 11, page 6, by deleting line 13 and inserting:

"to practice [architecture, interior design] *:*

(1) Architecture or residential design [.] *; or*

(2) As a registered interior designer.".

Amend sec. 11, page 6, by deleting lines 15 and 16 and inserting: "ethics pertaining to [the] *:*

(1) The practice of architecture [, interior design] or residential design [.] *; or*

(2) Practice as a registered interior designer.".

Amend sec. 11, page 6, by deleting lines 34 and 35 and inserting:

"(b) "Incompetency" means conduct which, in [the] *:*

(1) The practice of architecture [, interior design] or residential design [,] *; or*

(2) Practice as a registered interior designer,

demonstrates a significant".

Amend sec. 11, page 6, by deleting lines 38 and 39 and inserting: "professional care exercised generally by other members [of the professions of architecture, interior design] *in:*

(1) The profession of architecture or residential design [.] *; or*

(2) Practice as a registered interior designer.".

Amend sec. 12, page 6, by deleting line 42 and inserting: "practice [architecture, interior design] *:*

1. Architecture or residential design *; or*

2. As a registered interior designer,

must be".

Amend sec. 13, page 7, line 19, by deleting "*constructive*".

Amend sec. 13, page 7, line 21, by deleting "*constructive*".

Amend sec. 13, page 7, by deleting lines 24 through 27 and inserting: "furnishings used in interior design or provides assistance in the selection of materials or furnishings used in interior design, including, without limitation:".

Amend sec. 13, page 7, by deleting line 32 and inserting:

"(5) Lighting which is not part of a structure;".

Amend sec. 13, page 7, lines 34 and 35, by deleting: ". [, if] *If* " and inserting ", if ".

Amend sec. 13, page 7, line 36, by deleting the brackets.

Amend sec. 13, page 7, by deleting lines 37 through 39 and inserting: "other law, ordinance, rule or regulation governing the alteration or construction of a structure.".

Amend sec. 14, page 8, by deleting line 6 and inserting: "registration to practice [interior design.] *as a registered interior designer.*".

Amend sec. 15, page 8, line 11, by deleting "board;" and inserting: "board . [;] *This paragraph does not prohibit a person who is exempt, pursuant to NRS 623.330, from the provisions of this chapter from holding himself out to the public or soliciting business as an interior designer.*".

Amend sec. 15, page 8, by deleting lines 14 through 18 and inserting: "designer or that he is otherwise qualified to [engage] *:*

(1) Engage in the practice of architecture [, interior design] or residential design *; or*

(2) Practice as a registered interior designer,

without having a certificate of registration issued by the board . [;]

(c) Engage in the practice of architecture [, interior design] or residential design *or practice as a registered interior designer* without a certificate of registration issued by the board . [; or]".

Amend sec. 16, page 9, by deleting lines 2 through 6 and inserting: "any combination thereof, and may be composed of persons [engaged in the] *:*

(1) Engaged in the practice of architecture [or interior design] as provided in chapter 623 of NRS [, persons engaged in the] *;*

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS *;* and [persons engaged]

(4) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.".

Amend sec. 17, page 9, by deleting lines 23 through 41 and inserting: "practice as a registered interior designer must be of good moral character and submit to the board:

(a) An application on a form provided by the board;

(b) The fees required pursuant to NRS 623.310;

(c) Proof which is satisfactory to the board that he has completed:

(1) At least 5 years of education in a program of interior design or an equivalent number of credits and at least 1 year of experience in interior design; *or*

(2) At least 4 years of education in a program of interior design or an equivalent number of credits and at least 2 years of experience in interior design;

[(3) At least 3 years of education in a program of interior design or an equivalent number of credits and at least 3 years of experience in interior design;

(4) At least 2 years of education in a program of interior design or an equivalent number of credits and at least 4 years of experience in interior design; or

(5) At least 6 consecutive years of experience in the practice of interior design;] and".

Amend the title of the bill, first line, by deleting: "establishing the practice of constructive interior design;" and inserting: "revising provisions relating to persons who practice as registered interior designers;".

Amend the summary of the bill to read as follows: "Summary—Revises provisions regarding persons who practice as registered interior designers. (BDR 54-565)".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Assembly Bill No. 29 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 29, 61, 71, 106, 117, 202, 292; Senate Bills Nos. 63, 84, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman de Braga moved that Assembly Bill No. 50 be taken from the Chief Clerk's desk and re-referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

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

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:46 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 25.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 25.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall and Segerblom.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN OHRENSCHALL:

I believe everybody in Nevada knows that Roger Foley was a judge of intellect, integrity and compassion. What they don't know, perhaps—because he never boasted of it—was that he was a man of great personal and professional courage. I had the honor of practicing before him in the federal court. He was known universally as a judge who listened to both sides, was always there, and worked very, very hard.

In addition, Judge Foley was the godfather of my son, James Ohrenschall. He took the time to show the example that young people need in growing up.

I'm extremely honored to rise and make this motion. Sitting with me are Ann Foley, his widow, Liz Foley, and his brother, George Foley. I strongly urge this body to adopt this resolution.

ASSEMBLYWOMAN SEGERBLOM:

I have known the Foleys for some 50 years and went to college with Roger. Some of the Foleys even painted with my husband. We have been very good friends, and I would like to second or join in the resolution. I have at my desk John Foley and Helen Foley, both of whom served Nevada as state senators, and Mary Lou Foley. For 91 consecutive years, the Foleys have served this state. It started with Thomas L. in 1904, and currently, Helen's father, Joe, is a University regent.

Resolution adopted.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Joint Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Anderson, David Barragan, Heather Blanchard, R. Campbell, Almon Coats, Hannah Coburn, Joshua Crevling, Daniel Davis, Jonathan Denning, Lizet Diaz, Kimberly Duncan, Katie Erickson, Sara Escobedo, Jeannie Fillmore, Ashley Gonzales, Krystyna Gonzalez, Derek Hawkins, Dobnei Hintze, Joel Hurles, Matthew Johnston, Daniel Jolly, Justin Maciejack, Brittany Messer, Brittany Nelson, Alexander Oliver, Kyle Rasmussen, Anthony Rivera, Eduardo Ruiz, Cody Singleton, Louis Sison and Erin Wagner.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Tamara Shaw.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Hill and Bill Decker.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Litchfield.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Jacobsen.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Barry Shier.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to John Deniro.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Lou Foley, John Foley and Helen Foley.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, April 8, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 8, 1997

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Don Thayer.

O Thou King Lord! This gathering is turning to Thee. These hearts are radiant with Thy love. These minds and spirits are exhilarated by the message of Thy glad-tidings. O Lord! Let this American democracy become glorious in spiritual degrees even as it had aspired to material degrees, and render this just government victorious. Confirm this revered nation to upraise the standard of the oneness of humanity, to promulgate the most great peace, to become thereby most glorious and praiseworthy among all the nations of the world. O God! This American nation is worthy of Thy favors and is deserving of Thy mercy. Make it precious and near to Thee through Thy bounty and bestowal.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Judiciary.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 58, 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 13—Urging the State Welfare Administrator to increase reimbursement to providers of dental care who serve recipients of Medicaid.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 9—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Michael G. Collins is elected as an additional attaché of the Assembly for the 69th session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblyman Williams moved that Assembly Bill No. 146 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman de Braga moved that Assembly Bill No. 49 be taken from the Chief Clerk's desk and placed on the Second Reading File immediately following Assembly Bill No. 246.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Lee, Braunlin, Koivisto, Tiffany, Amodei, Carpenter, de Braga, Neighbors, Buckley, Perkins, Goldwater, Manendo, Hickey, Herrera, Bache, Dini, Segerblom, Ernaut, Gustavson, Mortenson, Cegavske, Parks, Von Tobel, Giunchigliani, Lambert, Arberry, Krenzer, Freeman, Berman, Close, Williams, Price, Collins, Nolan, Sandoval, Hettrick, Marvel, Humke, Chowning, Evans and Ohrenschall:

Assembly Bill No. 336—An Act relating to crimes against decency; defining the term "motion picture" for the purpose of prohibiting certain activities concerning the exhibition, sale or rental of certain motion pictures containing obscene material to a minor; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Price, Anderson, Herrera, Lee, Braunlin, Segerblom, Berman, Hickey, Collins, Perkins, Buckley, Amodei, Tiffany, Manendo, Ohrenschall, Cegavske, Sandoval, Mortenson, Carpenter, Marvel, Neighbors, de Braga, Gustavson, Evans, Krenzer, Lambert, Parks, Koivisto, Bache, Humke, Von Tobel, Close, Arberry, Goldwater, Freeman, Williams, Giunchigliani and Dini:

Assembly Bill No. 337—An Act relating to meetings of public bodies; authorizing a member of a public body to request that an item of business be placed on the agenda for a future meeting of the body under certain circumstances; requiring the presiding officer to place the item on the agenda under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Giunchigliani, Buckley, Freeman, Anderson, Collins, Segerblom, de Braga, Parks, Koivisto, Herrera, Amodei, Neighbors, Goldwater, Arberry, Bache, Manendo, Price, Marvel, Ohrenschall, Williams, Perkins and Berman:

Assembly Bill No. 338—An Act relating to health care; requiring managed care organizations to provide coverage for emergency health care services in certain circumstances; prohibiting certain managed care organizations from terminating a contract with a provider of health care except for just cause; requiring managed care organizations to enter into a contract with any provider of health care who agrees to certain conditions; requiring all managed care organizations to obtain a certificate of authority; authorizing the commissioner of insurance to examine the financial solvency and business practices of all managed care organizations; making the requirements applicable to the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 143.

Amend section 1, page 1, line 10, by deleting "*shall*" and inserting "*may*".

Amend sec. 2, page 2, line 13, after "parent," by inserting "*custodial parent,*".

Amend sec. 2, page 2, line 15, by deleting "[7] *6*" and inserting "7".

Amend sec. 2, page 2, by deleting lines 18 through 40 and inserting:

"2. [Any] *A* child who [will arrive at the age of 6 years by] *is 5 years of age on or before* September 30 [must] *of a school year may* be admitted to [a regular school program, and may be admitted to the first grade] *kindergarten* at the beginning of [the] *that* school year, and his enrollment must be counted for *purposes of* apportionment . [purposes.] *If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.*

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year,

and his enrollment must be counted for purposes of apportionment. If a child [will not arrive at the age of] *is not* 6 years [by] *of age on or before* September 30 [,] *of a school year,* the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.

[3.] *4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.*

5. Whenever a child who [has arrived at the age of] *is* 6 years [but not at the age of 7 years] *of age* is enrolled in a public school, each parent, *custodial parent,* guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. This requirement for attendance does not apply to any child under the age of 7 who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

[4.] *6. A child who is 7 years of age on or before September 30 of a school year must:*

(a) If he has completed kindergarten and the first grade, be admitted to the second grade.

(b) If he has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an

assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.

The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived his attendance from kindergarten pursuant to subsection 4, to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. A child who becomes a resident of this state after completing".

Amend sec. 2, page 3, by deleting lines 3 through 8 and inserting:

"*9. As used in this section, "kindergarten" includes:*

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060; and

(b) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 9.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 163.

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

"Section 1. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person required to make a report pursuant to this section shall make the report immediately, but in no event later than 24 hours after there is reason to believe that an older person has been abused, neglected or exploited. The report must be made to:

(a) The local office of the welfare or aging services division of the department of human resources;

(b) Any police department or sheriff's office; [or]

(c) The county's office for protective services, if one exists in the county where the suspected action occurred [.] *; or*

(d) A toll-free telephone service designated by the aging services division of the department of human resources.

If the report of abuse, neglect or exploitation involves an act or omission of the welfare division, aging services division or a law enforcement agency, the report must be made to an agency other than the one alleged to have committed the act or omission. Each agency, after reducing the report to writing, shall forward a copy of the report to the aging services division of the department of human resources.

2. Reports must be made by the following persons who, in their professional or occupational capacities, know or have reason to believe that an older person is being or has been abused, neglected or exploited:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician's assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this state, who examines, attends or treats an older person who appears to have been abused, neglected or exploited.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect or exploitation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every clergyman, practitioner of Christian Science or religious healer, unless he acquired the knowledge of abuse, neglect or exploitation from the offender during a confession.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every attorney, unless he has acquired the knowledge of abuse, neglect or exploitation from a client who has been or may be accused of the abuse, neglect or exploitation.

(g) Any employee of the department of human resources.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or

exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

3. A report may be filed by any other person.

4. Any person required to make a report pursuant to this section who has reasonable cause to believe that an older person has died as a result of abuse or neglect shall report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the aging services division of the department of human resources his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

5. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the aging services division of the department of human resources, must be forwarded to the aging services division within 90 days after the completion of the report.

6. If the investigation of the report results in the belief that the older person is abused, neglected or exploited, the welfare division of the department of human resources or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.".

Amend section 1, page 2, line 41, by deleting "*to grant*".

Amend the title of the bill to read as follows: "An Act relating to older persons; authorizing a toll-free telephone service to be designated to receive reports of abuse, neglect or exploitation of an older person; requiring an owner or employee of a funeral home or mortuary to make such a report in certain circumstances; increasing the mandatory minimum penalty for certain crimes relating to the abuse of an older person; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting "person." and inserting: "person and makes various changes concerning reports of such abuse.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 92.

Bill read second time.

The following amendment was proposed by the Concurrent Committee on Judiciary:

Amendment No. 160.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

"Section 1. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The state controller shall determine monthly the amount of the proceeds of the tax collected pursuant to NRS 369.330 that is:

(a) Equivalent to $4.27 per wine gallon or proportionate part thereof for liquor containing more than 22 percent of alcohol by volume;

(b) Equivalent to $2.13 per wine gallon or proportionate part thereof for liquor containing more than 14 percent up to and including 22 percent of alcohol by volume;

(c) Equivalent to $1.07 per wine gallon or proportionate part thereof for liquor containing from one-half of 1 percent up to and including 14 percent of alcohol by volume; and

(d) Equivalent to 53 cents per gallon or proportionate part thereof for all malt beverage liquor brewed or fermented and bottled in or outside this state.

2. Of the total amount determined pursuant to subsection 1, the state controller shall transfer each month:

(a) Twenty percent to the bureau of alcohol and drug abuse for the prevention of the abuse of alcohol or a controlled substance as provided pursuant to section 7 of this act;

(b) Twenty percent to the bureau of alcohol and drug abuse for the treatment of persons who abuse alcohol or a controlled substance as provided pursuant to section 8 of this act;

(c) Twenty percent to the department of education for the instruction of educational personnel and pupils about the dangers associated with the abuse of alcohol or a controlled substance as provided pursuant to section 5 of this act;

(d) Twenty percent to the department of motor vehicles and public safety for the enforcement of laws prohibiting the abuse of alcohol or a controlled substance as provided pursuant to section 11 of this act; and

(e) A pro rata share of the remaining twenty percent to each county in the state in the proportion that the population of each county bears to the total population of the state for the provision of health care to persons who suffer a physical injury as a direct result of the use of alcohol or a controlled substance as provided pursuant to section 4 of this act.

Sec. 2. NRS 369.174 is hereby amended to read as follows:

369.174 Each month, the state controller shall transfer to the account for alcohol and drug abuse in the department of human resources' gift fund, from the tax on liquor containing more than 22 percent of alcohol by volume, the portion of the tax [which exceeds $1.90 per wine gallon.] *that is equivalent to 15 cents per wine gallon or proportionate part thereof.*

Sec. 3. NRS 369.330 is hereby amended to read as follows:

369.330 Except as otherwise provided in this chapter, an excise tax is hereby levied and must be collected respecting all liquor and upon the privilege of importing, possessing, storing or selling liquor, according to the following rates and classifications:

1. On liquor containing more than 22 percent of alcohol by volume, [$2.05] *$6.32* per wine gallon or proportionate part thereof.

2. On liquor containing more than 14 percent up to and including 22 percent of alcohol by volume, [75 cents] *$2.88* per wine gallon or proportionate part thereof.

3. On liquor containing from one-half of 1 percent up to and including 14 percent of alcohol by volume, [40 cents] *$1.47* per wine gallon or proportionate part thereof.

4. On all malt beverage liquor brewed or fermented and bottled in or outside this state, [9] *62* cents per gallon [.] *or proportionate part thereof.*

Sec. 4. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each county shall allocate:

(a) Ninety-five percent of the money it receives pursuant to paragraph (e) of subsection 2 of section 1 of this act to compensate providers of health care and providers of emergency medical services that provide services to a person:

(1) Who suffers a physical injury as a direct result of the use of alcohol or a controlled substance;

(2) Who cannot afford to pay for the services he receives; and

(3) For whom payment for the services will not be made pursuant to a policy of health insurance or through a program that is funded by the Federal Government; and

(b) Five percent of the money it receives pursuant to paragraph (e) of subsection 2 of section 1 of this act to the district attorney of each county, according to the number of residents in the county, to assist in the prosecution of offenses involving the abuse of alcohol or a controlled substance.

2. Money used for the programs set forth in this section must supplement and not replace funding available from any other source.

3. Each county shall submit a report to the director of the legislative counsel bureau for distribution to each regular session of the legislature on or before February 1 of each odd-numbered year. The report must include,

without limitation, an accounting of the amount of money that the county received during the last biennium pursuant to paragraph (e) of subsection 2 of section 1 of this act and the manner in which the money was used.

4. As used in this section:

(a) "Provider of emergency medical services" means a person who is licensed to provide emergency medical care pursuant to chapter 450B of NRS.

(b) "Provider of health care" means:

(1) A health facility, as defined in NRS 439A.015; and

(2) A practitioner, as defined in NRS 439A.0195.

Sec. 5. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. All money received by the department pursuant to paragraph (c) of subsection 2 of section 1 of this act must be:

(a) Used for the establishment of a coordinated state and local program to train teachers and counselors about:

(1) Issues related to the abuse of alcohol and controlled substances; and

(2) Factors that cause a pupil to fail to complete high school;

(b) Distributed to each school district pursuant to the formula set forth in NRS 387.121 for programs designed to:

(1) Prevent the abuse of alcohol or a controlled substance; and

(2) Reduce the number of pupils who fail to complete high school; or

(c) Any combination thereof.

2. Money used for the programs set forth in this section must supplement and not replace funding available from any other source.

3. The department shall submit a report to the director of the legislative counsel bureau for distribution to each regular session of the legislature on or before February 1 of each odd-numbered year. The report must include, without limitation, an accounting of the amount of money that the department received during the last biennium pursuant to paragraph (c) of subsection 2 of section 1 of this act and the manner in which the money was used.

Sec. 6. Chapter 458 of NRS is hereby amended by adding thereto the provisions set forth as sections 7, 8 and 9 of this act.

Sec. 7. *1. The money received by the bureau pursuant to paragraph (a) of subsection 2 of section 1 of this act must be used for programs designed to:*

(a) Prevent the abuse of alcohol and controlled substances;

(b) Prevent the formation of gangs;

(c) Prevent pupils from failing to complete high school;

(d) Educate mothers and prospective mothers about the dangers of using alcohol or a controlled substance before and during pregnancy; or

(e) Any combination thereof.

2. Money used for the programs set forth in this section must supplement and not replace funding available from any other source.

Sec. 8. *1. The money received by the bureau pursuant to paragraph (b) of subsection 2 of section 1 of this act must be used to:*

(a) Employ or contract for the services of counselors to provide treatment to children and adults who abuse alcohol or a controlled substance;

(b) Provide treatment to women and children who suffer adverse effects because of the use of alcohol or a controlled substance before or during pregnancy;

(c) Establish centers of treatment for the abuse of alcohol or a controlled substance in areas that do not currently have such centers;

(d) Increase the capacity of centers of treatment for the abuse of alcohol or a controlled substance that fail to meet current demand for their services;

(e) Increase the quality of care currently provided by centers of treatment for the abuse of alcohol or a controlled substance; or

(f) Any combination thereof.

2. Money used for the programs set forth in this section must supplement and not replace funding available from any other source.

Sec. 9. *The bureau shall submit a report to the director of the legislative counsel bureau for distribution to each regular session of the legislature on or before February 1 of each odd-numbered year. The report must include, without limitation, an accounting of the amount of money that it received during the last biennium pursuant to paragraphs (a) and (b) of subsection 2 of section 1 of this act and the manner in which the money was used.*

Sec. 10. NRS 458.097 is hereby amended to read as follows:

458.097 *1.* All money received by the bureau pursuant to NRS 369.174 must be used to increase services [for the prevention of alcohol abuse and alcoholism and] for the detoxification [and rehabilitation] of abusers [.] *of alcohol or a controlled substance or to place an abuser in civil protective custody, or both.*

2. In allocating the money for the [increase of services,] *services set forth in subsection 1,* the bureau shall give priority to:

[1.] *(a)* The areas where there exists a shortage of personnel to conduct treatment for alcoholism and alcohol abuse. The bureau must determine the areas of shortage on the basis of data available from state and local agencies, data contained in the comprehensive state plan for alcohol and drug abuse programs, and other appropriate data.

[2.] *(b)* The needs of counties to provide civil protective custody, pursuant to NRS 458.270, for persons who are found in public places while under the influence of alcohol.

Sec. 11. Chapter 481 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The department shall allocate:

(a) Twenty percent of the money it receives pursuant to paragraph (d) of subsection 2 of section 1 of this act for a program of treatment for prisoners who abuse alcohol or a controlled substance; and

(b) Eighty percent of the money it receives pursuant to paragraph (d) of subsection 2 of section 1 of this act for:

(1) A program of training in a county whose population is less than 100,000 for category I peace officers on issues related to the abuse of alcohol or a controlled substance, including, without limitation, training in the role of alcohol in domestic violence;

(2) An educational program that is made available to the public regarding the laws relating to the use of alcohol or a controlled substance;

(3) The enforcement of laws that prohibit the use of alcohol or a controlled substance;

(4) Sports or recreational programs designed to counteract the negative effects that alcohol and controlled substances have on public parks and facilities, including, without limitation, such negative effects as public safety, litter and vandalism;

(5) Services established to assist victims of crime related to the abuse of alcohol or a controlled substance; or

(6) Any combination thereof.

2. Money used for the programs set forth in this section must supplement and not replace funding available from any other source.

3. The department shall submit a report to the director of the legislative counsel bureau for distribution to each regular session of the legislature on or before February 1 of each odd-numbered year. The report must include, without limitation, an accounting of the amount of money that it received during the last biennium pursuant to paragraph (d) of subsection 2 of section 1 of this act and the manner in which the money was used.

4. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in subsection 2 of NRS 432B.610.

(b) "Domestic violence" means an act that constitutes domestic violence pursuant to NRS 33.018.".

Amend the title of the bill by deleting the second and third lines and inserting: "additional revenue to be used for certain services related to the abuse of alcohol and controlled substances; and providing other matters properly".

Amend the summary of the bill to read as follows: "Summary—Increases excise tax on liquor. (BDR 32-280)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Taxation.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 162.

Amend section 1, page 2, line 3, after "mail." by inserting: "*Any such copy of the demand sent to a tenant or subtenant of the vehicle or home must include a notice in at least 10-point bold type which states:*

NOTICE TO TENANT OR SUBTENANT

If you are 65 years of age or older and you inform your landlord in writing of your age within 5 days after receipt of this notice, your landlord will serve notice on your behalf upon the aging services division of the department of human resources.".

Amend section 1, page 2, line 33, by deleting "*older,*" and inserting: "*older and he informs his landlord in writing of this fact within 5 days after receipt of the notice of lien,*".

Amend section 1, page 2, by deleting lines 34 through 38 and inserting: "*vehicle or home may not be sold unless the landlord serves a notice of lien within 5 days after receiving such notice in the same manner upon the aging services division of the department of human resources.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 209.

Bill read second time and ordered to third reading.

Assembly Bill No. 241.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 161.

Amend section 1, page 1, line 3, by deleting the brackets.

Amend section 1, page 1, line 4, by deleting: "[within 7 years]" and inserting: "within 7 years".

Amend section 1, page 2, line 2, by deleting "24" and inserting "48".

Amend section 1, page 2, line 4, after "days" by inserting: ", and if required pursuant to NRS 484.3792, has performed or will perform not less than 50 hours, but not more than 100 hours, of work for the community,".

Amend section 1, page 2, by deleting lines 7 through 11 and inserting: "*years, he has been found guilty of:*

(a) A violation of NRS 484.3795;".

Amend section 1, page 2, line 12, by deleting "*(c)*" and inserting "*(b)*".

Amend section 1, page 2, line 13, by deleting the period and inserting "*; or*".

Amend section 1, page 2, line 14, by deleting "*(d)*" and inserting "*(c)*".

Amend section 1, page 2, line 15, by deleting: "*(a), (b) or (c).*" and inserting: "*(a) or (b).*".

Amend section 1, page 2, line 16, after "*3.*" by inserting: "*For the purposes of subsection 1, a violation of the law of any other jurisdiction which prohibits the same or similar conduct as NRS 484.379 constitutes a violation of NRS 484.379.*

4.".

Amend section 1, page 2, by deleting line 20 and inserting:

"[3.] *5.* At the hearing on the application for treatment, the prosecuting".

Amend section 1, page 2, by deleting line 25 and inserting: "*6. If the court determines that* an application for treatment [,] *should be*".

Amend section 1, page 3, line 3, by deleting "*6.*" and inserting "*7.*".

Amend section 1, page 3, line 8, by deleting "any" and inserting "a".

Amend section 1, page 3, line 9, by deleting "*7.*" and inserting "*8.*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill, fourth line, after "abuse;" by inserting: "prohibiting certain persons from applying to the court to undergo such programs of treatment;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning eligibility of person who is found guilty of driving under the influence of alcohol or controlled substance for participation in certain programs for treatment of alcoholism and drug abuse. (BDR 43-368)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 246.

Bill read second time.

Assemblywoman Chowning moved that Assembly Bill No. 246 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 149.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 554 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The state quarantine officer shall adopt regulations specifying a schedule of administrative fines which may be imposed, upon notice and a hearing, for each violation of the provisions of this section and NRS 554.010 to 554.080, inclusive, or the regulations adopted pursuant thereto. The maximum fine that the state quarantine officer may impose for each violation may not exceed:

(a) For the first violation, $1,500;

(b) For the second violation, $3,000; and

(c) For each subsequent violation, $5,000.

All fines collected by the state quarantine officer pursuant to this section must be deposited with the state treasurer for credit to the state general fund.

2. The state quarantine officer may:

(a) In addition to imposing an administrative fine pursuant to this section, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the state quarantine officer suspects may have committed flagrant or repeated violations of any provisions of this section and NRS 554.010 to 554.080, inclusive.

3. The state quarantine officer shall adopt such regulations as are necessary to provide for adequate notice and conduct of a hearing required by this section.".

Amend section 1, page 1, by deleting lines 4 through 14 and inserting: "violating any of the provisions of NRS 554.010 to 554.080, inclusive, [shall be] *and section 1 of this act, is* guilty of a gross misdemeanor [.] *and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $5,000, or by both fine and imprisonment. The*

prosecuting attorney and the division may recover the costs of the proceeding, including investigative costs, against a person convicted of a gross misdemeanor pursuant to this section.".

Amend the title of the bill to read as follows: "An Act relating to the interstate quarantine of agricultural commodities; providing for the recovery of certain costs from a defendant convicted of violating certain statutes and regulations; authorizing the state quarantine officer to impose administrative fines for certain violations; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "administrative fine" and inserting: "for administrative fines and recovery of certain costs".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 6 be re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 66.

Bill read second time and ordered to third reading.

Senate Bill No. 124.

Bill read second time and ordered to third reading.

Senate Bill No. 141.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Segerblom, Neighbors, Chowning, Koivisto, Manendo, Evans, Price, Collins, Parks, Giunchigliani, Amodei, Close, Herrera, Goldwater and Ohrenschall:

Assembly Bill No. 339—An Act relating to public employees; providing for the payment by the state under certain circumstances of a portion of the cost of certain group insurance or medical and hospital service coverage for a retired employee of a school district and a dependent of such an employee who elects to continue or enroll in coverage after his death; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblymen Freeman, Anderson, Segerblom and Lee.

Assemblyman Anderson moved that Assembly Bill No. 29 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 61:

YEAS — 42.

NAYS — None.

Assembly Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblymen Braunlin, Sandoval and Giunchigliani.

Conflict of interest declared by Assemblyman Sandoval.

Roll call on Assembly Bill No. 71:

YEAS — 40.

NAYS — None.

Not voting — Ernaut, Sandoval — 2.

Assembly Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Assembly Bill No. 105:

YEAS — 42.

NAYS — None.

Assembly Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Assembly Bill No. 106:

YEAS — 42.

NAYS — None.

Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 107.

Bill read third time.

Remarks by Assemblywoman Braunlin.

Roll call on Assembly Bill No. 107:

YEAS — 42.

NAYS — None.

Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Assembly Bill No. 108:

YEAS — 42.

NAYS — None.

Assembly Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 117:

YEAS — 41.

NAYS — Goldwater.

Assembly Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblymen Segerblom, Cegavske, Price, Krenzer and Williams.

Assemblymen Williams, Buckley and Perkins moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 202.

Roll call on Assembly Bill No. 202:

YEAS — 35.

NAYS — Carpenter, Cegavske, Ernaut, Gustavson, Hettrick, Hickey, Sandoval—7.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 292 be taken from the General File and placed on General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 63.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Giunchigliani.

Assemblywoman Giunchigliani moved that Senate Bill No. 63 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 84.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 84:

YEAS — 42.

NAYS — None.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Goldwater, Ernaut, Chowning, Collins, Hettrick, de Braga, Sandoval, Cegavske, Gustavson, Lee, Braunlin, Koivisto, Amodei, Herrera, Arberry, Anderson, Bache, Parks, Lambert, Freeman, Perkins, Buckley, Von Tobel, Ohrenschall, Humke, Close, Giunchigliani, Williams, Berman, Neighbors, Marvel, Segerblom, Carpenter, Tiffany, Hickey, Manendo, Evans, Krenzer, Nolan, Price, Mortenson and Dini:

Assembly Joint Resolution No. 8—Urging Congress to enact the Southern Nevada Public Land Management Act of 1997.

WHEREAS, There is an extensive amount of public land managed by the Bureau of Land Management which is interspersed with or adjacent to private land in the Las Vegas Valley; and

WHEREAS, The Las Vegas metropolitan area is the fastest growing urban area in the United States and a sale or other transfer of some or all of this public land in the Las Vegas Valley would facilitate better community expansion and growth; and

WHEREAS, Because public land managed by the Federal Government in Nevada is not taxable, a sale or transfer of that land into private ownership would provide additional land subject to taxation in the State of Nevada; and

WHEREAS, To promote responsible and orderly development in the Las Vegas Valley, it is imperative that certain public land be sold or exchanged by the Federal Government based on recommendations made by local governments and the residents of the State of Nevada; and

WHEREAS, Senator Richard H. Bryan, for himself and Senator Harry Reid, introduced the Southern Nevada Public Land Management Act of 1997 at the 1st session of the 105th Congress; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada hereby urges Congress to enact the Southern Nevada Public Land Management Act of 1997; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Chairman of the Committee on Energy and Natural Resources and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblyman Goldwater moved that the resolution be referred to the Committee on Infrastructure.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Humke, Anderson, Lambert, Freeman, Gustavson, Ernaut, Sandoval, Evans and Hickey:

Assembly Bill No. 340—An Act relating to taxation; removing the authority of the board of county commissioners of Washoe County to impose a certain additional vehicle privilege tax; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 341—An Act relating to enforcement of judgments; increasing the amount of equity in a vehicle that is exempt from execution; providing that in certain circumstances a husband and wife who are codebtors are entitled to a combined exemption; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 237; Senate Concurrent Resolution No. 24.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Sanford Akselrad.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Greenberg.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Roz Sbarra.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Anne Ristorcelli, Lauren Ristorcelli, Alex Ristorcelli, Alicia Herz, Gabe Herz, Andrea Lindsey, Whitney Lindsey, Erin Poole, Missy Oglesby, Rachel Chipp, Erica Chipp, Keagan Chipp, Jenna Dykes, Asa Embree, Eamonn Embree, Kyle Cohen, Emily Metzker, Vanessa Abare, Rachel Abare, Ellie Webb, Peg Ristorcelli, Michelle Gabler, Jan Lindsey, Brandi Poole, Tari Chipp, Tammy Dykes, Lisa Ambree, Diana Cohen, Lavon Metzker, John Abare, Cindy Webb and Lindsey Webb.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Johns and Tina Conklin.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Wendell Gray.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 9, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:18 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 9, 1997

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Catherine Thayer.

Glory be to Thee, O God, for Thy manifestation of love to mankind! O Thou, Who art our life and light, guide Thy servants in Thy way and make us rich in Thee and free from all, save Thee. O God, teach us Thy oneness and give us a realization of Thy unity that we may see no one, save Thee. Thou art the merciful and the giver of bounty! O God, create in the hearts of Thy beloved the fire of Thy love, that it may consume the thought of everything, save Thee. Reveal to us, O God, Thine exalted eternity that Thou hast ever been and wilt ever be, and that there is no God, save Thee. Verily, in Thee will we find comfort and strength.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 8, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 23, 70, 71, 173, 175, 237.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 122, 137.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Resolution read.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 145.

Amend the resolution, page 1, line 11, by deleting "*1.*" and inserting: "*Rule No. 5. Procedures.*

1.".

Amend the resolution, page 2, line 9, by deleting "*numbered.*" and inserting: "*numbered;* and be it further

RESOLVED, That this resolution expires by limitation on October 1, 1997.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Berman, de Braga, Williams, Neighbors, Marvel, Von Tobel, Ohrenschall, Amodei, Humke, Close, Herrera, Goldwater, Giunchigliani, Arberry, Segerblom, Carpenter, Tiffany, Hickey, Manendo, Krenzer, Evans, Hettrick, Ernaut, Chowning, Collins, Mortenson, Braunlin, Lambert and Koivisto:

Assembly Bill No. 342—An Act relating to electronic supervision; providing a penalty for certain violations of conditions of electronic supervision; clarifying the penalty for escaping from electronic supervision under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Carpenter, Anderson, Sandoval, de Braga, Amodei, Buckley, Segerblom, Tiffany, Dini, Lambert, Perkins, Herrera, Gustavson, Manendo, Koivisto, Nolan, Berman, Collins, Humke, Ohrenschall, Hettrick and Ernaut:

Assembly Bill No. 343—An Act relating to the supreme court of the State of Nevada; increasing the number of justices; providing for the election of the additional justices; authorizing the use of panels; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Buckley, Ohrenschall, Evans, Chowning, Freeman, Bache, Krenzer, Arberry, Segerblom, Close, Goldwater, Herrera and Lee:

Assembly Bill No. 344—An Act relating to the commission on judicial discipline; establishing the grounds upon which the commission may discipline a justice or judge; establishing standards for the investigation of matters relating to the misconduct or incapacity of a justice or judge; establishing the forms of discipline other than censure, retirement and removal that the commission may impose on a justice or judge; establishing standards for the confidentiality or nonconfidentiality of proceedings of the commission; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Buckley, Evans, Chowning, Freeman, Bache, Arberry, Krenzer, Segerblom, Goldwater, Herrera and Lee:

Assembly Bill No. 345—An Act relating to railroads; requiring the public service commission of Nevada to collect an annual assessment from railroads to support the activities of the commission relating to railroad safety; imposing certain reporting requirements on railroads; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By Assemblymen Anderson, Buckley, Ohrenschall, Evans, Chowning, Freeman, Arberry, Krenzer, Segerblom, Goldwater, Herrera and Lee:

Assembly Bill No. 346—An Act making an appropriation to the City of Sparks for the remodeling of the Sparks Heritage Museum; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Amodei, Dini, Hettrick, Ernaut and de Braga:

Assembly Bill No. 347—An Act relating to juveniles; providing an exemption from certain limitations on revenue for the costs to counties for the operation of certain regional facilities for children; making an

appropriation for the establishment of a regional facility for children for Carson City and Churchill, Douglas, Lyon and Storey counties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, Koivisto, Buckley, Perkins, Anderson, Segerblom, Sandoval, Von Tobel, Marvel, Neighbors, de Braga, Berman, Williams, Arberry, Goldwater, Herrera, Close, Humke, Amodei, Tiffany, Hickey, Chowning, Collins, Mortenson, Nolan, Braunlin, Dini, Bache, Parks, Evans, Lee, Gustavson, Lambert, Freeman, Price, Manendo and Krenzer:

Assembly Bill No. 348—An Act relating to courts; authorizing a justice of the peace and a municipal court judge to suspend the sentence of a person convicted of a misdemeanor that constitutes domestic violence for not more than 3 years under certain circumstances; changing the definition of abuse or neglect of a child to include repetitious or severe violence against the parent, guardian or sibling of the child; prohibiting an insurer from denying a claim solely because the claim involves domestic violence; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 23.

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

Motion carried.

Senate Bill No. 70.

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

Motion carried.

Senate Bill No. 71.

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

Motion carried.

Senate Bill No. 122.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 137.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 173.

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

Motion carried.

Senate Bill No. 175.

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

Motion carried.

Senate Bill No. 237.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 58.

Bill read second time and ordered to third reading.

Assembly Bill No. 159.

Bill read second time and ordered to third reading.

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 107.

Amend sec. 2, page 1, line 9, after "*child for*" by inserting: "*at least 90 days but*".

Amend sec. 2, page 2, line 2, by deleting "*apply for*" and inserting "*receive*".

Amend sec. 2, page 2, line 4, by deleting "*applying for*" and inserting "*receiving*".

Amend sec. 2, page 2, line 5, by deleting: "*but not to exceed*" and inserting: "*which must be at least 90 days but not more than*".

Amend sec. 2, page 2, line 7, by deleting "*apply for*" and inserting "*receive*".

Amend sec. 2, page 2, line 8, by deleting "*apply for*" and inserting "*receive*".

Amend sec. 2, page 2, line 9, by deleting "*apply for*" and inserting "*receive*".

Amend the bill as a whole by renumbering sections 4 through 6 as sections 5 through 7 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 17 years of age, order the parent, guardian or custodian of the child, and any brothers, sisters or other persons living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, alone or together with the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorneys fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for *at least 90 days but* not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from [applying for] *receiving* a driver's license for *at least 90 days but* not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to [apply for] *receive* a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to [apply for] *receive* a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to [apply for] *receive* a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those

periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. At any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference

must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.".

Amend sec. 4, page 2, line 43, after "*child* for" by inserting: "*at least 90 days but*".

Amend sec. 4, page 3, line 5, by deleting "apply for" and inserting: "[apply for] *receive*".

Amend sec. 4, page 3, by deleting line 8 and inserting: "for a period specified by the court [but not to exceed] *which must be at least 90 days but not more than* 2 years:".

Amend sec. 4, page 3, line 10, by deleting "apply for" and inserting: "[apply for] *receive*".

Amend sec. 4, page 3, line 11, by deleting "apply for" and inserting: "[apply for] *receive*".

Amend sec. 4, page 3, line 12, by deleting "apply for" and inserting: "[apply for] *receive*".

Amend sec. 5, page 3, line 39, by deleting: "by an evaluation center" and inserting: "[by an evaluation center]".

Amend sec. 5, page 3, by deleting lines 41 through 44 and inserting:

"2. The evaluation of a child pursuant to this section [must] *:*

(a) Must be conducted [at an evaluation center by:

(a)] *by:*

(1) A counselor certified to make that classification by the bureau of alcohol and drug abuse;".

Amend sec. 5, page 4, line 1, by deleting "(b)" and inserting "[(b)] *(2)*".

Amend sec. 5, page 4, line 3, by deleting "(c)" and inserting "[(c)] *(3)*".

Amend sec. 5, page 4, by deleting line 8 and inserting:

"*(b) May be conducted at an evaluation center.*

3. The judge [may:] *shall:*".

Amend sec. 5, page 4, line 10, by deleting "evaluation center." and inserting: "[evaluation center.] *person who conducted the evaluation pursuant to subsection 2.*".

Amend sec. 5, page 4, by deleting lines 39 through 41 and inserting:

"(a) Requiring an evaluation to be conducted by [an evaluation center that is administered] *a person who is employed* by a private company if the company meets the standards of the bureau of alcohol and drug abuse . [; or] *Such an evaluation may be conducted at an evaluation center pursuant to paragraph (b) of subsection 2.*".

Amend sec. 6, page 5, line 25, by deleting "applying for" and inserting: "[applying for] *receiving*".

Amend sec. 6, page 5, line 28, by deleting "apply for" and inserting: [apply for] *receive*".

Amend sec. 6, page 5, line 29, by deleting "apply for" and inserting: "[apply for] *receive*".

Amend sec. 6, page 5, line 30, by deleting "apply for" and inserting: "[apply for] *receive*".

Amend sec. 6, page 5, line 35, after "license for" by inserting: "*at least 90 days but*".

Amend sec. 6, page 5, line 36, by deleting "applying for" and inserting: "[applying for] *receiving*".

Amend sec. 6, page 5, line 37, after "license for" by inserting: "*at least 90 days but*".

Amend sec. 6, page 5, line 39, by deleting "apply for" and inserting: "[apply for] *receive*".

Amend sec. 6, page 5, line 40, by deleting "apply for" and inserting: "[apply for] *receive*".

Amend sec. 6, page 5, line 41, by deleting "apply for" and inserting: "[apply for] *receive*".

Amend the bill as a whole by renumbering sections 7 through 13 as sections 9 through 15 and adding a new section designated sec. 8, following sec. 6, to read as follows:

"Sec. 8. NRS 62.229 is hereby amended to read as follows:

62.229 In addition to the options set forth in NRS 62.211 and 62.213 and the requirements of NRS 62.228, if a child is adjudicated delinquent pursuant to paragraph (b) of subsection 1 of NRS 62.040 because he handled or possessed a firearm or had a firearm under his control in violation of NRS 202.300, the court shall order that any license to hunt issued to the child pursuant to chapter 502 of NRS must be revoked by the division of wildlife of the state department of conservation and natural resources and that the child shall not [apply for] *receive* a license to hunt within the 2 years following the date of the order or until he is 18 years of age, whichever is later. The judge shall require the child to surrender to the court any license to hunt then held by the child. The court shall, within 5 days after issuing the order, forward to the division of wildlife any license to hunt surrendered by the child, together with a copy of the order.".

Amend the bill as a whole by renumbering sec. 14 as sec. 17 and adding a new section designated sec. 16, following sec. 13, to read as follows:

"Sec. 16. Section 5 of Assembly Bill No. 22 of this session is hereby amended to read as follows:

Sec. 5. NRS 62.228 is hereby amended to read as follows:

62.228 1. In addition to the options set forth in NRS 62.211 and 62.213, if a child is adjudicated delinquent pursuant to paragraph (b) of subsection 1 of NRS 62.040 because he handled or possessed a firearm or had a firearm under his control in violation of NRS 202.300, the court shall:

(a) For the first offense:

(1) Require him to perform [100] *200* hours of public service in the manner provided in paragraph (i) of subsection 1 of NRS 62.211; and

(2) Suspend his driver's license for not more than 1 year or, if he does not possess a drivers' license, prohibit the child from receiving a driver's license for not more than 1 year:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date he becomes eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

(b) For the second offense:

(1) Require him to perform at least [100] *200* hours, but not more than [250] *600* hours, of public service in the manner provided in paragraph (i) of subsection 1 of NRS 62.211; and

(2) Suspend his driver's license for at least 90 days but not more than 2 years or, if for he does not possess a driver's license, prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date he becomes eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the court issues an order suspending the driver's license of a child pursuant to this section, the judge shall require the child to surrender his driver's license to the court.

3. If a child is already the subject of a court order suspending or delaying the issuance of his driver's license, the court shall order an additional suspension or delay, as appropriate, to apply consecutively with the previous order.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Assemblywoman Chowning moved that Assembly Bill No. 176 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Assembly Bill No. 230.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman de Braga moved that Assembly Bill No. 48 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman de Braga.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 146 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 66 be taken from the General File and re-referred to the Committee on Transportation.

Remarks by Assemblywoman Chowning.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 164.

Amend section 1, page 2, line 1, by deleting "*alcohol,*" and inserting "*intoxicating liquor,*".

Amend section 1, page 2, by deleting lines 7 through 9 and inserting:

"*3. The board of trustees of each school district that receives money pursuant to subsection 1 shall establish a special revenue fund and direct that the money it receives pursuant to subsection 1 be deposited in that fund. Money in the fund must not be commingled with money from other sources. The board of trustees shall disburse the money in the fund to the schools within its district giving preference to the schools within the district that the district has classified as serving a significant proportion of pupils who are economically disadvantaged.*

4. A school that receives money pursuant to subsection 3 shall expend the money only to purchase textbooks and laboratory equipment and to pay for field trips.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblymen Williams and Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 87.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Assembly Bill No. 87:

YEAS — 42.

NAYS — None.

Assembly Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 209:

YEAS — 42.

NAYS — None.

Assembly Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 258:

YEAS — 42.

NAYS — None.

Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 292 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 124.

Bill read third time.

Remarks by Assemblymen Gustavson and Herrera.

Assemblyman Herrera moved that Senate Bill No. 124 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost.

Roll call on Senate Bill No. 124:

YEAS — 42.

NAYS — None.

Senate Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 141.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 141:

YEAS — 42.

NAYS — None.

Senate Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 39, 60, 79; Assembly Resolution No. 8; Senate Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Glenn Allaback and Don Amodei.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Edith Buckley.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Donna West.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Liggett, Aaron Liggett, Austin Liggett and Carl Segerblom.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, April 10, 1997 at 10:45 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 10, 1997

Assembly called to order at 10:51 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Nevada Metherd.

O my God! O my God! Verily these servants are turning to Thee, supplicating Thy kingdom of mercy. Verily they are attracted by Thy Holiness and set aglow with the fire of Thy love, seeking confirmation from Thy wondrous kingdom and hoping for attainment in Thy heavenly realm. Verily they long for the descent of Thy bestowal, desiring illumination from the Sun of Reality. O Lord! Make them radiant lamps, merciful signs, fruitful trees and shining stars. May they come forth in Thy service and be connected with Thee by the bonds and ties of Thy love, longing for the lights of Thy favor. O Lord! Make them signs of guidance, standards of Thy immortal Kingdom, waves of the sea of Thy mercy, mirrors of the light of Thy majesty. Verily Thou art the Merciful! Verily Thou art the Precious, the Beloved!

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bill No. 328; Senate Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 9, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 124, 164.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 98.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 13, 17, 33 of the 68th Session.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Concurrent Resolution No. 11 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Chowning, Segerblom, Carpenter, Evans, Price, Sandoval, Manendo, Perkins, Buckley, Williams, Berman, Neighbors, Marvel, Von Tobel, Herrera, Ohrenschall, Amodei, Humke, Giunchigliani, Arberry, Bache, Lambert, Parks, Braunlin, Koivisto, Lee, Gustavson, Krenzer, Nolan and Cegavske:

Assembly Bill No. 349—An Act relating to cities; requiring a special election to fill certain vacancies on the governing body of a city; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 350—An Act relating to the Elko Convention and Visitors Authority; imposing a limitation upon the maximum indebtedness of the Authority; making certain provisions of NRS applicable to the procedure for bonding pursuant to this act; authorizing the Authority to issue and sell additional bonds in accordance with certain provisions of NRS; providing that bonds may not be issued for the purpose of managing, operating, advertising, publicizing or promoting the facilities of the Authority; repealing certain obsolete provisions; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 351—An Act relating to public utilities; requiring the public service commission of Nevada to adopt an alternative plan of regulation of public utilities that supply natural gas; providing under certain circumstances for the exemption from regulation of certain services; requiring the commission to report to the legislature concerning the alternative plan of regulation; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 352—An Act relating to education; creating the council for educational technology; authorizing public schools and libraries to apply for grants of money for educational technology from the trust fund for educational technology; shifting the responsibility from the superintendent of public instruction to the council to award grants of money from the trust fund; providing under certain circumstances for a reduced rate for usage of electricity attributable to the use of educational technology; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 9.

Bill read third time.

Remarks by Assemblymen Manendo, Evans and Anderson.

Roll call on Assembly Bill No. 9:

YEAS — 42.

NAYS — None.

Assembly Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 49.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Assembly Bill No. 49:

YEAS — 42.

NAYS — None.

Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 58:

YEAS — 42.

NAYS — None.

Assembly Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 159.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 159:

YEAS — 42.

NAYS — None.

Assembly Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Assemblywoman Ohrenschall moved that Assembly Bill No. 195 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 230.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Assembly Bill No. 230:

YEAS — 42.

NAYS — None.

Assembly Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 241, 292 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing musical renditions by the All-State Honor Choir.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Price, Goldwater, Bache, Ohrenschall, Amodei, Herrera, Anderson, Freeman, Parks, Koivisto, Lee, Buckley, Perkins, Chowning, Collins, Krenzer, Manendo, Segerblom, Evans, Arberry, Humke and Neighbors:

Assembly Joint Resolution No. 9— Proposing to amend the constitution of the State of Nevada to increase the limitation on the state indebtedness solely to pay costs of the construction and renovation of school facilities.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 9 of the constitution of the State of Nevada be amended to read as follows:

Sec. 3. *1.* The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state controller, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

2. The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature, make and enter into any and all contracts necessary, expedient or advisable for the [protection] *:*

(a) Protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof, however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise.

(b) Construction and renovation of facilities for schools, but the debt for such contracts shall never, in the aggregate, exclusive of interest, exceed the sum of one per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state controller, in addition to any other debt authorized by this section.

The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts, and shall levy such tax as may be necessary to pay the same or carry them into effect.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Goldwater moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:34 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Collins, Arberry, Bache, Parks, Koivisto, Goldwater, Herrera, Tiffany, de Braga, Price, Marvel, Ohrenschall, Amodei, Anderson, Freeman, Lee, Buckley, Perkins, Chowning, Collins, Manendo, Evans, Krenzer, Segerblom and Neighbors:

Assembly Bill No. 353—An Act relating to governmental administration; revising provisions governing the review of plans for school facilities; authorizing school districts to lease school facilities; creating the committee to oversee the construction and repair of school facilities; authorizing the issuance of certain bonds under certain circumstances without an election; specifying that the provision of school facilities is a fundamental purpose of the Community Redevelopment Law; providing exceptions to the statutory limit on the total rate of taxes ad valorem for taxes levied under certain circumstances; providing that certain money remaining in the state distributive school account be deposited in the special account for school construction; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Infrastructure and Ways and Means.

Motion carried.

By Assemblymen Giunchigliani, Arberry, Buckley, Humke, Evans, Segerblom, Herrera, Amodei, Bache, Cegavske, Krenzer, Chowning, Goldwater, Close, Von Tobel, Price, Dini, Marvel, Sandoval, Anderson, Perkins, Williams, Berman, de Braga, Neighbors, Hickey, Tiffany, Carpenter, Ernaut, Collins, Gustavson, Lee, Mortenson, Koivisto, Parks, Braunlin, Lambert, Freeman and Nolan:

Assembly Bill No. 354—An Act relating to campaign practices; requiring each contribution to be identified separately; requiring each expenditure made on behalf of or against a question on an election ballot or on behalf of a candidate or group of candidates to be reported; limiting the amount of contributions a political party or a committee sponsored by a political party

may contribute to a candidate; requiring certain persons who receive contributions to open and maintain a separate account for the deposit of those contributions; requiring certain persons who receive contributions to file an annual report with the secretary of state; prohibiting a person from making a contribution in the name of another person; requiring a political party or a committee sponsored by a political party that makes expenditures on behalf of a candidate or group of candidates to report the contributions it receives; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Sandoval, Carpenter, de Braga, Segerblom, Braunlin, Lee, Humke, Neighbors, Mortenson, Ohrenschall, Bache, Hettrick, Gustavson, Lambert, Hickey, Close, Koivisto, Nolan, Amodei, Chowning, Ernaut, Tiffany, Cegavske, Manendo, Berman, Perkins, Williams, Herrera, Collins, Buckley, Goldwater, Price, Anderson, Dini, Parks, Arberry, Giunchigliani, Von Tobel, Marvel, Krenzer, Evans and Freeman:

Assembly Bill No. 355—An Act relating to environmental regulation; authorizing certain persons who own or operate certain facilities to make voluntary examinations and disclosures regarding certain environmental requirements; providing for a mitigation of criminal penalties and a presumption against administrative or civil liability if such an examination and disclosure is made; precluding the use of an environmental audit to commence certain proceedings and actions; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Humke, Evans, Von Tobel, Manendo, Anderson, Marvel, Freeman, Carpenter, Hickey, Gustavson, Mortenson, Ohrenschall, Segerblom, Lee, Neighbors, de Braga, Berman, Williams, Perkins, Arberry, Amodei, Sandoval, Cegavske, Giunchigliani, Goldwater, Herrera, Parks, Lambert, Bache, Braunlin, Close, Hettrick, Ernaut, Koivisto, Nolan, Krenzer, Dini, Tiffany, Price, Chowning and Collins:

Assembly Bill No. 356—An Act relating to children; revising provisions governing the protection of children from abuse or neglect; expanding the list of persons to whom may be made available information concerning certain reports and investigations relating to such abuse or neglect; prohibiting such persons from making such information public; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 98.

The following Senate amendment was read:

Amendment No. 69.

Amend section 1, page 1, line 9, by deleting "*water.*" and inserting: "*water, waste water or sewerage.*".

Amend sec. 2, page 2, line 28, by deleting "*water.*" and inserting: "*water, waste water or sewerage.*".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 98.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 9; Senate Concurrent Resolution No. 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Florindo "Ferd" Mariani and Ryanne Amodei.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Blue.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to William Dehnniy, Myron Pree, Marcia Neel, David Branson, Shirley Fielding, Mildred Mathews, Pat Gable, Jody Bryson, Barbara Koplowitz, Mary Boatwright, Bobbie Bullington, Maxine Hansen and Eva Davis, Emily Miller, Serena Brauburger, Tammy McCormack, Jean Miller, Josh Jones, Travis Smith, Ryan Peters, Jeremy Dillie, Chris Gault, Emmy Massey, Peggy Nickerson, Meagan Martinez, James Priester, Justin McIntosh, Avery Day, Kristen Joyner, Marie Cox, Heather Burns, Crystal Bennett, Cameo Breen, Monica Castillo, Sarah Downs, Jesse Forgette, Jeremy Gee, Chad Hall, Jerome Jones, Tia Keith, Veronica Lopez, Cheryl Simmons, Jacob Therrien, Chris Cole,

Pablo Flores, Mayra Gutierrez, Tiffany Hunter, John Mahoney, Melissa McFarland, JoAnn Pfaff, Joe Reyna, Elise Wheeler, Crystal Dubois, Richard Gomes, Jeremy Hardin, Michelle Jolly, Willy Marroquin, Earl Peterson, Jeremy Radke, Kelly Walsh, Adam Wilkin, Trevor Balbini, Jed Brazell, Alex Chisum, Jay Egbert, Marshall Gledhill, Anthony Hanifen, Daniel Henderson, Vicky Holt, Fallon Lowrey, Sarah Luciani, Chellee Morton, Bictor Ramirez, Luke Ainsworth, Travis Anderson, Anita Buendia, David Crabtree, Jamie Goodsell, Lynn Keller, David Larsen, Mike Moresi, Shane Nixon, Steven Smith, Trenton Smith, Meghan Whitman, Laura Andrews, Feleesha Dick, Michael Garcia, Jennifer Nolin, Raul Paredes, Kyle Potter, Katie Reese, David Rucilez, Amanda Shadoan, Donald Walters, Katherine Ashley, Nikki Baker, Matthew Bongiovanni, Ana Cervantes, Jesse Cirino, Inggrid Francesca, Bonnie Gaines, Ana Garcia, Ashlee Hazel, Martin Herrera, Krystal Martin, Jessie Ramirez, Tami Shephard, Brandon Wilcox, Erin Geil, Vivian Olds and Tim Hines.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Micki Swinn, Cason Swinn and Maxine Hansen.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Harry Culbert, Jack Homeyer, Jerry Hubbard, Jim Hunting, Ed Leiger, Lynne Mirch, Susan Miller, Doug Ponn, Bruce Rice, Shelby Ruth, Kuldip Sandhu and Rose Taylor.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Downer, Sally Miller, Jacquie Carleton, Linda Read, Lezlie Porter, Nancy Doering, Mrs. Wells, Dorothy Craig, Patricia Puchert, Barbetta Sohrt, Sharron Angle, Judy Mayhew, Lois Logan, Margot Murray, Jan Hunt, Elaine McNeill, Dale Lowery, Glenda Peake, Barbara Bane, Robin Pearl, Terri Choate, Sally Davenport and Ann Thompson.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Murphy.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Ferraro and Darryl Martin.

Assemblyman Perkins moved that the Assembly adjourn until Monday, April 14, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), April 14, 1997

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Thomas D. Tostenson.

Our Father, on this day in 1865 an assassin's bullet brought about the death of the great president that gave this state, and this body, its birth. Yet his place in history was not hinged on this moment in time, but on his service to his fellow man. Lord teach us by his example that greatness is not found in money, nor power, nor titles, nor even long life, but in our character. That it is not found by causing our constituency to like us, but by causing ourselves to love and serve our constituency. Lead us and guide us Lord as You led and guided Lincoln in the century past, that by Your leading we may find the courage to love, and the courage to care. This we ask in the Name that is above all names. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 170; Senate Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bill No. 215; Senate Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Concurrent Resolution No. 5 be re-referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Anderson, Amodei, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 14—Designating April 13 through April 19, 1997, as Victims' Rights Week.

Assemblyman Anderson moved that the resolution be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 15—Directing the Public Employees' Retirement Board to conduct a study of the basis for determining service credit and average compensation for public employees.

Assemblyman Bache moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 357—An Act relating to state emblems; designating the "Silver State Fanfare" as the official state march of the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Close, Buckley, Ohrenschall, Giunchigliani, Manendo, Goldwater, Arberry, Chowning, Anderson, Segerblom, Hickey, Evans, Koivisto, Nolan and Price:

Assembly Bill No. 358—An Act relating to mobile home parks; requiring a landlord to make available a rental agreement to rent or lease a mobile home lot for a certain period under certain circumstances; revising the circumstances under which a landlord may increase the rent of his tenants to recover the cost of a capital improvement made to a park; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 359—An Act making an appropriation to the City of North Las Vegas for construction of a multipurpose building; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Sandoval:

Assembly Bill No. 360—An Act relating to financial institutions; revising certain provisions relating to the organization of banking corporations and companies and thrift companies; authorizing an existing corporation or company to organize as a banking corporation or company by amending its articles of incorporation or organization; authorizing a banking corporation to increase or reduce its authorized stock without the approval of its stockholders under certain circumstances; authorizing banks to liquidate their affairs voluntarily without the approval of the commissioner of financial institutions under certain circumstances; providing for the appointment of a successor trustee for a liquidated bank without the entry of an order by the district court under certain circumstances; prohibiting a thrift company from becoming authorized to engage in business in this state by obtaining a contract for the issuance of deposits issued by a private insurer; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Amodei:

Assembly Bill No. 361—An Act relating to eminent domain; limiting the exercise of the power of eminent domain for byroads to public agencies; and providing other matters properly relating thereto.

Assemblyman Amodei moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ernaut, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Bill No. 362—An Act relating to days of observance; designating April 6 as Tartan Day in the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblywoman Segerblom moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 328.

Bill read second time and ordered to third reading.

Senate Bill No. 93.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Segerblom, Ohrenschall, Perkins, Williams, Herrera, Carpenter, Lee, Koivisto, Anderson, Krenzer, Giunchigliani, Freeman, Amodei, de Braga, Parks, Lambert, Bache, Marvel, Neighbors, Manendo, Collins, Von Tobel, Humke, Goldwater, Tiffany and Evans:

Assembly Bill No. 363—An Act relating to motion pictures; requiring a motion picture company to obtain a permit from the division of motion pictures of the commission on economic development before filming a motion picture in this state; requiring that the permit contain a provision which provides that the motion picture company agrees to pay all debts and obligations incurred in producing the motion picture in this state; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Commerce.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 146.

Bill read third time.

Remarks by Assemblymen Manendo, Bache, Evans, Price, Chowning and Von Tobel.

Roll call on Assembly Bill No. 146:

YEAS —38.

NAYS —Anderson, Bache, Lee, Sandoval—4.

Assembly Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 241:

YEAS — 42.

NAYS — None.

Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 292:

YEAS — 41.

NAYS —Carpenter.

Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Beer, Monica Gregory, Jessica Hume, Amanda McGill, Emily Mulcahy, Michelle Peltier, Meliza Ramirez, Sandra Rios, Viviana Segovia, Nora Solis, Shelbie Stevenson, Brittanie Tushay, Sierra Woodward, Courtney Coburn, Daniela Licano, Kaylin Armstrong, Douglas Boedenauer, Gregory Bowman, Kyle Bryan, Laban Gillilan, Wesley Cherry, Marvin Higday, John Jibson, Jared Malterer, Saul Montes, George Tewanema, Skyler Turner, Brian Welch, Joel King, Robert Richardson, Ryan Wilson, Jonathan Hiatt, Terri Armstrong and Cat Boedenauer.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Ritter, Mike Franzoya, Cash Minor and Royce Hechworth.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Bulis.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Zane and Len Zane.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, April 15, 1997 at 11 a.m., and that it do so in memory of Fred Colip and Samuel C. McMullen.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 15, 1997

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Thomas D. Tostenson.

Father God, let this body never become complacent about this daily meeting with You. Let this time never become rote or routine. For prayer is the thread that upholds hope in the combat soldier, as well as hope in the homeless. It is how Nevada's terminally ill will prepare this day for eternity, and how 85 years ago today the passengers and crew of the Titanic prepared for infamy. Father, if we know how to turn to You in perilous times, then teach us to see the perils of each day. Then we shall understand that a wise person has many counselors, and that there is no counselor wiser than Thee. This we pray in the Name of the wonderful Counselor, and the Mighty God. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 160, 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 91, 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 133, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 55, 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 94 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 141; Assembly Joint Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 227.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 128, 207, 238, 239.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 5.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblywoman de Braga:

Assembly Joint Resolution No. 10—Urging Congress and the Uniform Law Commissioners to make certain changes to the laws regarding jurisdiction over matters of child custody.

WHEREAS, The mental and physical health and well-being of a child is jeopardized when his parent or guardian is threatened with or subjected to acts of domestic violence; and

WHEREAS, To avoid such threats or acts of domestic violence, the parent or guardian will often move the child to another state; and

WHEREAS, The legislatures of each of the 50 states have adopted in some form the Uniform Child Custody Jurisdiction Act, which sets forth various grounds on which courts may assert jurisdiction over matters of child custody; and

WHEREAS, Congress enacted the Parental Kidnapping Prevention Act in 1980, which applies to any case involving the custody of a child for which the court of more than one state may assert jurisdiction; and

WHEREAS, The Parental Kidnapping Prevention Act sets forth similar grounds on which courts may assert jurisdiction over matters of child custody; and

WHEREAS, Although the Uniform Child Custody Jurisdiction Act and the Parental Kidnapping Prevention Act provide that a court may assert jurisdiction over a matter of child custody in emergency situations in which the child has been threatened with or subjected to abuse, these Acts do not address the exercise of such jurisdiction when the parent or guardian of a child is threatened with or subjected to acts of domestic violence; and

WHEREAS, In addition, neither Act establishes a clear order of priority for the exercise of jurisdiction by courts in matters of child custody; and

WHEREAS, Failure to provide courts with an order of priority for the exercise of jurisdiction has led to conflicts over which court may retain jurisdiction when two courts in different states assert jurisdiction, resulting in the issuance of conflicting orders and the delayed resolution of matters of child custody; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 69th session of the Nevada Legislature hereby urge the Uniform Law Commissioners to adopt an amendment to the Uniform Child Custody Jurisdiction Act and urge Congress to amend the Parental Kidnapping Prevention Act to:

1. Provide that the threat or occurrence of an act that constitutes domestic violence against a parent or guardian of a child constitutes grounds for the exercise of emergency jurisdiction by a court over a matter of child custody; and

2. Establish an order of priority for the exercise of jurisdiction over matters of child custody and provide that emergency jurisdiction enjoys the highest priority; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the National Conference of Commissioners on Uniform State Laws, the members of the Nevada Delegation to the National Conference of Commissioners on Uniform State Laws, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblywoman de Braga moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Joint Resolution No. 5.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ernaut, Hettrick, Chowning, Mortenson, Sandoval, Cegavske, Gustavson, Braunlin, Parks, Lambert, Freeman, Bache, Anderson, Arberry, Giunchigliani, Goldwater, Herrera, Close, Humke, Amodei, Ohrenschall, Von Tobel and Marvel:

Assembly Bill No. 364—An Act relating to lotteries; increasing the amount of the total value of prizes allowed for charitable lotteries in a calendar year; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Collins, Parks, Lee, Koivisto, Manendo, Herrera, Nolan, Chowning, Arberry, Amodei, Bache, Giunchigliani, Ohrenschall, Goldwater, Buckley, Sandoval, Williams, Ernaut, Price, Krenzer, Hickey, Tiffany and Segerblom:

Assembly Bill No. 365—An Act relating to transportation; directing the Department of Transportation to construct or cause to be constructed an elevated fixed guideway system of mass transit in Las Vegas; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 366—An Act relating to electric service; revising provisions for the regulation of electric service to allow customers direct access to alternative sellers of electric services; requiring the central assessment of certain property; requiring the executive director of the department of taxation to submit a report to the legislature; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 367—An Act relating to bids; repealing the provision that requires the buildings and grounds division of the department of administration to advertise for bids on certain repairs; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 368—An Act relating to county fire protection districts; providing a county fire protection district complete control of all money raised for the district; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 369—An Act relating to state lands; revising provisions governing the duties and activities of the state land use planning agency and the land use planning advisory council; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman de Braga:

Assembly Bill No. 370—An Act relating to child custody; establishing domestic violence as a grounds for establishing emergency jurisdiction for the purposes of the Uniform Child Custody Jurisdiction Act; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 371—An Act relating to the division of land; revising various provisions relating to maps of subdivisions of land; authorizing professional land surveyors to request the correction or amendment of certain maps; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 128.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 207.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 227.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 238.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 239.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 93.

Bill read second time and ordered to third reading.

Assembly Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 178.

Amend sec. 2, page 4, between lines 8 and 9, by inserting:

"*4. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.*".

Amend sec. 3, page 5, lines 5 and 6, by deleting: "department of motor vehicles and public safety." and inserting: "[department of motor vehicles and public safety.] *central repository for Nevada records of criminal history.*".

Amend sec. 3, page 5, line 7, by deleting "department" and inserting: "[department] *central repository*".

Amend sec. 3, page 5, between lines 10 and 11, by inserting:

"*6. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.*".

Amend the bill as a whole by renumbering sections 4 through 6 as sections 5 through 7 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as [other times and procedures are] *otherwise* provided in NRS 453.3365, a person who has been convicted of:

(a) Any felony may, after 15 years from the date of his conviction or, if he is imprisoned, from the date of his release from actual custody;

(b) Any gross misdemeanor may, after 10 years from the date of his conviction or release from custody;

(c) A violation of NRS 484.379 other than a felony *, or a violation of a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony* may, after 7 years from the date of his conviction or release from custody; or

(d) Any other misdemeanor may, after 5 years from the date of his conviction or release from custody,

petition the court in which the conviction was obtained for the sealing of all records relating to the conviction. The petition must be accompanied by a current, certified record of the petitioner's criminal history received from the central repository for Nevada records of criminal history.

2. The court shall notify the district attorney of the county in which the conviction was obtained, and the district attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

3. If after the hearing the court finds that, in the period prescribed in subsection 1, the petitioner has not been arrested, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, but not limited to, the Federal Bureau of Investigation, the California identification and investigation bureau, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.".

Amend sec. 4, page 5, line 35, by deleting "*8*" and inserting "*11*".

Amend sec. 5, page 6, line 24, by deleting "*14*" and inserting "*17*".

Amend the bill as a whole by renumbering sections 7 through 21 as sections 10 through 24 and adding new sections designated sections 8 and 9, following sec. 6, to read as follows:

"Sec. 8. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided *in subsection 2,* by specific statute or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 1 year, the sentence of a person convicted of a misdemeanor. The justice of the peace may order, as a condition of suspension, that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of work for the benefit of the community, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity; and

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the justice of the peace.

2. *If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in an approved program of treatment and that he comply with any other condition of suspension ordered by the justice of the peace.*

3. The justice of the peace may order reports [, from such persons and] *from a person whose sentence is suspended* at such times as he deems appropriate [,] concerning the offender's compliance with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

Sec. 9. NRS 5.055 is hereby amended to read as follows:

5.055 1. Except as otherwise provided *in subsection 2,* by specific statute or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 1 year, the sentence of a person convicted of a misdemeanor. The municipal judge may order, as a condition of suspension, that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of work for the benefit of the community, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity; and

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the municipal judge.

2. *If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in an approved program of*

treatment and that he comply with any other condition of suspension ordered by the municipal judge.

3. The municipal judge may order reports [, from such persons and] *from a person whose sentence is suspended* at such times as he deems appropriate [,] concerning the offender's compliance with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.".

Amend sec. 8, page 8, by deleting lines 14 and 15 and inserting: "Any time that a court issues a temporary or extended order and any time that a person serves such an order, registers such an order or receives any".

Amend sec. 9, page 8, line 23, by deleting "*8*" and inserting "*11*".

Amend sec. 10, page 8, line 30, by deleting "Domestic" and inserting "*1.* Domestic".

Amend sec. 10, page 8, line 37, by deleting "1." and inserting "[1.] *(a)*".

Amend sec. 10, page 8, line 38, by deleting "2." and inserting "[2.] *(b)*".

Amend sec. 10, page 8, line 39, by deleting "3." and inserting "[3.] *(c)*".

Amend sec. 10, page 8, line 42, by deleting "4." and inserting "[4.] *(d)*".

Amend sec. 10, page 8, line 43, by deleting "5." and inserting "[5.] *(e)*".

Amend sec. 10, page 9, line 1, by deleting "(a)" and inserting "[(a)] *(1)*".

Amend sec. 10, page 9, line 2, by deleting "(b)" and inserting "[(b)] *(2)*".

Amend sec. 10, page 9, line 3, by deleting "(c)" and inserting "[(c)] *(3)*".

Amend sec. 10, page 9, line 4, by deleting "(d)" and inserting "[(d)] *(4)*".

Amend sec. 10, page 9, line 5, by deleting "(e)" and inserting "[(e)] *(5)*".

Amend sec. 10, page 9, line 6, by deleting "(f)" and inserting "[(f)] *(6)*".

Amend sec. 10, page 9, line 7, by deleting "6." and inserting "[6.] *(f)*".

Amend sec. 10, page 9, line 8, by deleting "7." and inserting "[7.] *(g)*".

Amend sec. 10, page 9, between lines 10 and 11, by inserting:

"*2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.*".

Amend sec. 11, page 10, line 14, by deleting "*8*" and inserting "*11*".

Amend sec. 13, page 11, line 37, by deleting "*8*" and inserting "*11*".

Amend sec. 14, page 11, line 43, after "*any*" by inserting "*real or*".

Amend sec. 15, page 12, line 4, by deleting "*1.* A" and inserting "A".

Amend sec. 15, page 12, by deleting lines 5 through 13 and inserting: "commit [a felony or a juvenile who is adjudicated delinquent for committing or attempting to commit an]

1. A felony;

2. An act that would have been a felony if committed by an adult *; or*

3. A misdemeanor or gross misdemeanor that constitutes domestic violence pursuant to NRS 33.018,

may not bring an action against the victim or the [victim's] estate *of the victim* for injuries sustained by the offender or damage to property of the offender that occurred [in] *during* the course of the [felony] *crime* or delinquent act.".

Amend sec. 16, page 12, line 16, after "*1.*" by inserting: "*Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery that constitutes domestic violence pursuant to NRS 33.018:*

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than $200, but not more than $1,000.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2.".

Amend sec. 16, page 12, line 19, by deleting "*hour*" and inserting "*1/2 hours*".

Amend sec. 16, page 12, line 20, by deleting "*6 months,*" and inserting: "*not less than 6 months, but not more than 12 months,*".

Amend sec. 16, page 12, line 22, by deleting "*27*" and inserting "*31*".

Amend sec. 16, page 12, line 25, by deleting "*hour*" and inserting "*1/2 hours*".

Amend sec. 16, page 12, line 27, by deleting "*27*" and inserting "*31*".

Amend sec. 16, page 12, line 28, by deleting "*2.*" and inserting "*3.*".

Amend sec. 16, page 12, line 29, by deleting "*$20.*" and inserting "*$50.*".

Amend sec. 16, page 12, line 32, by deleting: "*the treatment of persons who commit*" and inserting: "*programs related to*".

Amend sec. 16, page 12, line 33, by deleting "*26*" and inserting "*30*".

Amend sec. 16, page 12, line 34, by deleting "*3.*" and inserting:

"*4. In addition to any other penalty, the court may require such a person to participate, at his own expense, in a program of treatment for the abuse of alcohol or drugs.*

5.".

Amend sec. 16, page 12, line 39, after "*to*" by inserting: "*and except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of*".

Amend sec. 16, page 12, line 41, by deleting "*4.*" and inserting "*6.*".

Amend sec. 17, page 13, line 21, by deleting "A" and inserting: "[A] *Except as otherwise provided in section 19 of this act, a*".

Amend the bill as a whole by renumbering sections 22 through 29 as sections 26 through 33 and adding a new section designated sec. 25, following sec. 21, to read as follows:

"Sec. 25. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.460, inclusive:

1. *"Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.*

2. "Division" means the division of child and family services of the department of human resources.

[2.] *3.* "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he had or is having a dating relationship or with whom he has a child in common, or upon his minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

[3.] *4.* "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

[4.] *5.* "Victim of domestic violence" includes the dependent children of the victim.".

Amend sec. 22, page 18, line 11, by deleting: "23 to 27," and inserting: "27 to 31,".

Amend sec. 23, page 18, line 12, by deleting: "*23 to 27,*" and inserting: "*27 to 31,*".

Amend sec. 24, page 18, line 20, after "*(b)*" by inserting: "*Must have experience in writing and obtaining grants;*

(c)".

Amend sec. 24, page 18, line 21, by deleting "*(c)*" and inserting "*(d)*".

Amend sec. 25, page 18, line 26, by deleting "*The*" and inserting "*1. The*".

Amend sec. 25, page 18, by deleting line 27, and inserting:

"*(a) Collect information relating to victims of domestic violence from the central repository for Nevada records of criminal history, if available, or from law*".

Amend sec. 25, page 18, line 28, by deleting "*persons,*" and inserting: "*persons if such information is not available from the central repository,*".

Amend sec. 25, page 18, line 29, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 25, page 18, line 31, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 25, page 18, line 33, by deleting "*(c)*" and inserting "*(3)*".

Amend sec. 25, page 18, line 34, by deleting "*(d)*" and inserting "*(4)*".

Amend sec. 25, page 18, line 36, by deleting "*2.*" and inserting:

"*(b) Apply for available grants and accept, receive and administer grants and other money from any private or public source.*

(c) Provide necessary assistance to victims of domestic violence.

(d) Provide education to the public concerning domestic violence, including, without limitation, the prevention of domestic violence, available assistance to victims of domestic violence and available treatment for persons who commit domestic violence.

(e)".

Amend sec. 25, page 18, line 39, by deleting "*3.*" and inserting "*(f)*".

Amend sec. 25, page 19, line 1, by deleting "*4.*" and inserting "*(g)*".

Amend sec. 25, page 19, between lines 2 and 3, by inserting:

"*2. Except as otherwise provided in this subsection, information collected pursuant to paragraph (a) of subsection 1 is confidential and must not be disclosed to any person under any circumstances, including, without limitation, pursuant to a subpoena, search warrant or discovery proceeding. Such information may be used for statistical purposes if the identity of the person is not discernible from the information disclosed.*".

Amend sec. 26, page 19, line 3, by deleting: "*the treatment of persons who commit*" and inserting: "*programs related to*".

Amend sec. 26, page 19, line 5, by deleting "*16*" and inserting "*19*".

Amend sec. 26, page 19, line 8, by deleting: "*the treatment of persons who commit*" and inserting: "*programs related to*".

Amend sec. 26, page 19, by deleting lines 11 and 12 and inserting:

"*(1) The committee on domestic violence created pursuant to section 31 of this act;*".

Amend sec. 26, page 19, line 14, by deleting "*and*".

Amend sec. 26, page 19, line 15, after "*(3)*" by inserting: "*Assisting victims of domestic violence and educating the public concerning domestic violence; and*

(4)".

Amend sec. 26, page 19, line 16, by deleting: "*the treatment of persons who commit*" and inserting: "*programs related to*".

Amend sec. 27, page 19, lines 18 and 19, by deleting: "*to certify programs for the treatment of persons who commit*" and inserting "*on*".

Amend sec. 27, page 19, line 21, by deleting: "*the treatment of*".

Amend sec. 27, page 19, lines 25 and 26, by deleting: "*or an office of the city attorney*".

Amend sec. 27, page 19, line 27, after "*(d)*" by inserting: "*One representative from an office of the city attorney with experience in prosecuting criminal offenses;*

(e)".

Amend sec. 27, page 19, line 28, by deleting "*(e)*" and inserting "*(f)*".

Amend sec. 27, page 19, line 29, by deleting "*(f)*" and inserting "*(g)*".

Amend sec. 27, page 19, line 30, by deleting "*(g)*" and inserting "*(h)*".

Amend sec. 27, page 19, between lines 35 and 36, by inserting: "*At least two members of the committee must be residents of a county whose population is less than 100,000.*".

Amend sec. 27, page 19, line 38, by deleting "*and*".

Amend sec. 27, page 19, line 40, by deleting "*violence.*" and inserting: "*violence;*

(c) Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the peace officers' standards and training committee regarding such training; and

(d) Submit on or before March 1 of each odd-numbered year a report to the director of the legislative counsel bureau for distribution to the regular session of the legislature. The report must include, without limitation, a summary of the work of the committee and recommendations for any necessary legislation concerning domestic violence.".

Amend sec. 28, page 20, line 8, by deleting: "16 and 17" and inserting: "19 and 20".

Amend the bill as a whole by adding a new section designated sec. 34, following sec. 29, to read as follows:

"Sec. 34. Sections 8 and 9 of this act become effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to domestic violence; creating the repository for information concerning orders for protection against domestic violence within the central repository for Nevada records of criminal history; requiring certain persons to transmit certain information regarding orders for protection against domestic violence to the central repository; authorizing a justice of the peace and a municipal court judge to suspend the sentence of a person convicted of a misdemeanor that constitutes domestic violence for not more than 3 years under certain circumstances; making various changes concerning the penalties imposed for committing a battery that constitutes domestic violence; requiring a court to register certain orders for protection against domestic violence issued by a court located outside this state; creating the office of ombudsman for victims of domestic violence; creating an account for programs related to domestic violence; requiring the appointment of a committee on domestic violence; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson, Freeman and Ernaut.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 170 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 93 be re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 215.

Bill read second time and ordered to third reading.

Senate Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 179.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 5 and 6 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the division shall set a level of supervision for each probationer. At least once every 6 months, or more often if necessary, the division shall review the level of supervision of the probationer to determine whether a change in the level of supervision is necessary. The division shall specify in each review the reasons for maintaining or changing the level of supervision. If the division changes the level of supervision, the division shall notify the probationer of the change.

2. The provisions of subsection 1 are not applicable if:

(a) The level of supervision for the probationer is set by the court or by law; or

(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176.1851 to 176.18525, inclusive.

3. Except as otherwise provided in this subsection, each time a prisoner applies for parole, the division shall set the level of supervision that will apply to the prisoner if he is granted parole. The division is not required to conduct a personal interview with the prisoner to set the level of supervision that will apply to the prisoner if he is granted parole. The division shall inform the board of the level of supervision not later than 5 days before the meeting at which the board is considering the application of the prisoner for parole. The provisions of this subsection are not applicable to a prisoner who is not eligible for release from confinement because he:

(a) Must serve a term of incarceration for another offense for which he is not yet eligible for parole; or

(b) Is serving a term of incarceration for an offense for which he must be certified as not being a menace to the health, safety or morals of others before being released on parole, and he has not been so certified.

4. Except as otherwise provided in subsection 5, at least once every 6 months, or more often if necessary, the division shall review the level of supervision of a parolee to determine whether a change in the level of

supervision is necessary. The division shall specify in each review the reasons for maintaining or changing the level of supervision. If the division changes the level of supervision, the division shall notify the parolee of the change.

5. The provisions of subsection 4 are not applicable if the level of supervision for the parolee is set by the board or by law.

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 1 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 3 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 3. NRS 213.1076 is hereby amended to read as follows:

213.1076 1. The division shall:

(a) Except as otherwise provided in this section, charge each parolee or probationer a fee to defray the cost of his supervision.

(b) Adopt by regulation a schedule of fees to defray the costs of supervision of a parolee or probationer. The regulation must provide for a monthly fee of at least [$12.] *$30.*

2. The chief may waive the fee to defray the cost of supervision, in whole or in part, if he determines that payment of the fee would create an economic hardship on the parolee or probationer.

3. Unless waived pursuant to subsection 2, the payment by a parolee or probationer of a fee charged pursuant to subsection 1 is a condition of his parole or probation.

Sec. 4. NRS 213.1218 is hereby amended to read as follows:

213.1218 *1.* Before a person may be released on parole, he must submit to the division a signed document stating that:

[1.] *(a)* He will comply with the conditions of his parole; and

[2.] *(b)* If he fails to comply with the conditions of his parole and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

2. The division shall contact each parolee in person or by telephone within 5 days after his release from prison. The chief may waive this requirement if he determines that such contact is not necessary.".

Amend section 1, page 2, line 3, by deleting "*including*" and inserting: "*including, without limitation,*".

Amend section 1, page 2, line 10, by deleting "*4.*" and inserting "*6.*".

Amend section 1, page 2, line 41, after "*4.*" by inserting: "*If a panel is created pursuant to:*

(a) Paragraph (a) of subsection 2, at least one member of the board who serves on the panel shall attend the hearing in person.

(b) Paragraph (b) of subsection 2, at least two members of the board who serve on the panel shall attend the hearing in person.

(c) Subsection 3, at least three members of the board who serve on the panel shall attend the hearing in person.

5. Except as otherwise provided in subsection 4, a member of the board who serves on a panel created pursuant to this section may, in lieu of attending the hearing in person:

(a) Participate in the hearing by telephone or video conference; or

(b) After the hearing:

(1) Review a videotape of the hearing;

(2) Review the file or record relating to the issue or case; or

(3) Discuss, in person or by telephone, the issue or case with a member of the board or a case hearing representative who attended the hearing in person.

6.".

Amend section 1, page 3, by deleting lines 3 through 13.

Amend the title of the bill to read as follows: "An Act relating to the criminal justice system; requiring the division of parole and probation of the department of motor vehicles and public safety to set and to review periodically the level of supervision of certain parolees and probationers; increasing the fee that a parolee or probationer is required to pay to defray the cost of supervision; requiring the division to contact each parolee within 5 days after his release from prison; revising the provisions governing the number of members of the state board of parole commissioners necessary to make decisions concerning certain prisoners and parolees; and providing other matters properly relating thereto.". Amend the summary of the bill to

read as follows: "Summary—Makes various changes to provisions concerning parolees and probationers. (BDR 16-181)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Senate Bill No. 15 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Senate Bill No. 61.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goldwater, Evans and Parks:

Assembly Bill No. 372—An Act making an appropriation to the Health Division of the Department of Human Resources for the AIDS Drug Assistance Program; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 328.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 328:

YEAS — 42.

NAYS — None.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 93.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Senate Bill No. 93:

YEAS — 42.

NAYS — None.

Senate Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that the vote whereby Assembly Bill No. 364 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Ernaut moved that Assembly Bill No. 364 be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 98, 124, 164; Assembly Joint Resolution No. 2; Assembly Joint Resolutions Nos. 13, 17, 33 of the 68th Session; Senate Bill No. 84.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Kristy Badger, David Barnet, Nichole Bittleston, Rindi Bowden, Lindsay Chapman, Roger Danella, Josh Gebbeken, Kristin Grajeda, Denny Howard, Zeb Laverty, Roberto Llamas, Erin Menath, Jessi Monrroy, Trina Moore, Kim Picton, Chris Poloway, Christina Rabe, Jennifer Stevens, Daniel Trotter, R. J. Woodward, Jessica Butterfield, Gary Andrews, Megan Beattie, Ryan Bennett, Erica Cantlin, Jennifer Cauch, Chris Cox, Robbie Dietz, Kendra Franklin, Brian Hall, Jon Hamtak, Katrin Lamprecht, Sara Liveratti, David Martinez, Lacy McClellan, Michael Moore, Logan Nordyke, Brian Payne, Edward Perez, Laura Radimaker, Andrew Streenan, Jamie Thornley, Shane Trotter, Chris Tyrrell, Joe Zakzeski, Josh Hadley, Kira Meyer, Kristy Ontiveros, Kristen Smith, Alyssa Groth, Loren Ross, Jay Kvam, Liz Moore, Mrs. Cauch, Mrs. Liveratti, Mrs. McClellan, Mrs. Hadley and Mrs. Ontiveros.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Kohler.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Tilman Lloyd Jones.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Arncel, R. C. Austin, Katie Christy, Ken Cox, Matt Day, Jason Deen, Rob Dobson, Amanda Dressler, Billy Dunbar, Theresa Ellis, Peter Gill, Cary Hatfield, Alex Hernandez, Chris Hoffert, Josh Horvath, Jessica Jones, Kris Kotik,

Quentin McErquiaga, Andrea Leavell, Anna Leciejewski, Alicia Page, Marie Parisi, Tera Levand, Veronica Lopez, Anesa Lorenzetti, Melissa Powell, Peter Volkov, Danny Ball, Suzette Balwing, Crystal Bennett, Adrianna Bishop, Nathan Cardoza, Racheal Chaney, James Dean, Tiffany Deering, Kabrina Douglas, Sarah Downs, Jesse Forgette, Joyce Franco, James Jackson, Stephanie Kepler, Jessica Leach, Kelly Nolan, Michelle Olarte, Jared Parshley, Nathan Peterson, Ryan Polish, Danny Sanders, Debi Smith, Travis Smith, Josh Swall, Nancie Turner, Frankie Vallejo, Steve Van Pelt, Allyson Walker, Michelle Wilcox, Anje Wilson, Sarah Ali, Alisha Arrigotti, Monica Castillo, Asa Dakin, Aurelio Garcia, Jeremy Gee, Chad Hall, Marie Hoferer, Tiffany Hunter, Kelli McDonnell, Joe McKee, Andrew Ring, Josh Shea, Trent Stransky, Haley Thompson, Nick Wagner, Beth Werner, Josh Jones, Randy Jones, Steve Knight and Dianne Remington.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Dean Hommel.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Zane, Len Zane, Anielka Contreras and Carlos Villasenor.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 16, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), April 16, 1997

Assembly called to order at 11:01 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Thomas D. Tostenson.

Thomas Jefferson once said, "God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are a gift of God? Indeed I tremble for my country when I reflect that God is just, that His justice cannot sleep forever." Father, lead us in our law making, that we may solve the social ills of our state; that our legislation may not be seen as Band-Aids, but as cures. Let us not worry about the passing fads of political correctness, let us be concerned about correcting the polity. That what we do today shall stand the test of time, and that Nevada shall stand the test of the ages. This we pray in the Name of the King of Kings. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing musical renditions by the Westergard Elementary School Choir.

Assembly in recess at 11:05 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 128, 154, 319; Senate Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Assembly Concurrent Resolution No. 14 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

By Assemblymen Williams, Arberry, Hickey, Krenzer, Evans, Freeman, Hettrick, Chowning, Berman, de Braga, Neighbors, Marvel, Von Tobel, Ohrenschall, Amodei, Humke, Close, Herrera, Goldwater, Giunchigliani, Perkins, Buckley, Tiffany, Carpenter, Segerblom, Manendo, Nolan, Price, Cegavske, Lambert, Anderson, Bache, Collins, Lee, Koivisto, Parks, Mortenson, Dini, Sandoval and Braunlin:

Assembly Resolution No. 10—Acknowledging the contributions of African-American explorer James Pierson Beckwourth and urging school districts to ensure that pupils learn about him.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblymen Williams, Anderson and Giunchigliani.

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

ASSEMBLYMAN WILLIAMS:

The legislation being proposed for adoption today was written, researched and submitted by 13 students from Kit Carson Elementary School in Las Vegas. We have the honor of having those students with us here today in our Chambers. This legislation was their legislation. To reiterate the remarks of the Speaker this morning, it's good to see the young people in our schools moving and working toward providing a bright future for Nevadans.

I think it's highly appropriate and timely that today we not only acknowledge the contributions of James Pierson Beckwourth, but also those of another group, the Clampers, who for 49 years have preserved, studied and maintained the history of the West in Nevada.

James Pierson Beckwourth played a very significant role in some of the most exciting events in 19th century American history. A friend and associate of men like Kit Carson, William Ashley and Jim Bridger, he participated in the development of the third trail to the Far West, and, of course, the California gold rush. Perhaps even more important to historians is the fact that Beckwourth, who was regarded as one of the most honest traders in the fur business, left a record of a very packed and colorful life.

The value of Beckwourth's memoirs to us has already been demonstrated by its widespread use in American literature and in 19th century American history.

Beckwourth is also known for his work as a guide for the United States Government and as a trader. Beckwourth's discovery of Beckwourth Pass led to the development of the Comstock Lode and much of Nevada. The fact that Beckwourth recorded his exploits teaches children

the importance of having the ability to read, write, think and record. The fact that Beckwourth discovered a path in the mountains that greatly facilitated the passage of many immigrants into this country teaches children the importance of caring and sharing with people who may be different and understanding and reaching out to people who may need them. The fact that Beckwourth lived and led several Indian tribes teaches children the importance of and the rich history of our Native Americans. The fact that the students from Kit Carson Elementary School in Las Vegas, who are with us today, researched and studied the life of Beckworth teaches all of us that James Pierson Beckwourth—the trapper, hunter, mountain man, guide, and writer—deserves a place in American, and more importantly, in Nevada history, along with men like Kit Carson and John Frémont. I urge my colleagues to adopt this resolution.

ASSEMBLYMAN ANDERSON:

I rise in support of the resolution. I cannot pass up an opportunity to recognize Mr. Beckwourth's accomplishments and the contributions of Black Americans to the development of the West. In our search for the West, Beckwourth is one of those individuals in American history—much like Jeremiah Johnson—who we often overlook. Those mountain men who led the way West clearly set the standard of behavior that we should all practice—to look for the way to accomplish the goal for all without looking to personal engrandizement. Beckwourth clearly showed that quality in all of his activities.

Like many other early travelers, sometimes we don't recognize what an unusual event Nevada history is in the move westward. Most of the early settlers crossed this state and then, having crossed the area, turned around, recognized the great value that they had walked through, and then wanted to rediscover the area. Beckwourth's Pass led to the rediscovery of Nevada by providing the smallest and shortest crossing with the least elevation through the Sierras and thus the greatest and safest passage. His contribution is extremely important, and clearly the young people from Kit Carson Elementary School understood this. It is a very easy resolution to support.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I, too, rise in support of AR 10. As school districts debate the issue of naming of public facilities, such as schools, they tend to forget about the history. There has been more of a practice lately of naming after individuals who are in the "here and now" rather than those who have contributed something, such as this gentleman. I think it's proper and responsible for us to react to students who have researched something, being able to bring that to our attention and then call on local districts around the state to name schools after this type of an individual.

I would urge our support for this. As I've been sitting here, I've recalled that one of our colleagues, who I think was very much a contributor to public schools in Nevada, former Assemblyman Marvin Sedway, has never had a school named after him, and maybe this will be another approach that I'll bring back to this body for consideration

Resolution adopted.

Assembly Concurrent Resolution No. 14.

Resolution read.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblyman Humke.

Resolution adopted.

Assemblyman Humke moved that all rules be suspended and that Assembly Concurrent Resolution No. 14 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 373—An Act relating to taxation; repealing the property tax exemption for certain low-income housing projects receiving federal funds; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Hettrick, Chowning, Dini, Evans, Humke, Braunlin, Cegavske, Berman, Gustavson, Krenzer, Parks, Koivisto, Sandoval, Ernaut, Lee, Lambert, Freeman, Bache, Buckley, Williams, de Braga, Neighbors, Marvel, Von Tobel, Ohrenschall, Amodei, Close, Herrera, Goldwater, Tiffany, Nolan, Segerblom, Carpenter, Hickey, Anderson, Mortenson, Price, Manendo, Arberry and Giunchigliani:

Assembly Bill No. 374—An Act relating to public finance; requiring budgeted funding as a condition precedent to the construction of a capital improvement and during its useful life; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 55.

Bill read second time and ordered to third reading.

Assembly Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 186.

Amend section 1, page 1, line 3, by deleting "*coordinator*" and inserting "*full-time administrator*".

Amend section 1, page 1, line 4, by deleting "*coordinator:*" and inserting "*administrator:*".

Amend section 1, page 1, line 7, before "*retention.*" by inserting: "*recruitment, selection and*".

Amend section 1, page 1, line 10, by deleting "*coordinator*" and inserting "*administrator*".

Amend the title of the bill by deleting the second and third lines and inserting: "of administrator of programs for the treatment of offenders who

abuse alcohol or drugs; designating the duties of the administrator; and providing other matters".

Amend the summary of the bill, first line, by deleting "coordinator" and inserting "administrator".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 91 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 187.

Amend sec. 3, page 4, line 5, by deleting "*2.*" and inserting "*3.*".

Amend sec. 3, page 4, line 11, after "*Counselor*" by inserting: "*or other person*".

Amend sec. 3, page 4, line 16, by deleting "*treatment;*" and inserting: "*treatment to the extent of his financial resources;*".

Amend sec. 3, page 4, line 18, by deleting "*24*" and inserting "*48*".

Amend sec. 3, page 4, line 19, after "*2.*" by inserting: "*If the offender does not have the financial resources to pay all of the cost of the treatment, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the cost.*

3.".

Amend sec. 3, page 4, by deleting lines 21 through 23 and inserting: "*years, he has been found guilty of:*".

Amend sec. 3, page 4, line 24, by deleting "*(b)*" and inserting "*(a)*".

Amend sec. 3, page 4, line 25, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 3, page 4, by deleting lines 27 through 29 and inserting:

"*(c) A violation of the law of any other jurisdiction which prohibits the same or similar conduct as set forth in paragraph (a) or (b) of this subsection.*

4. For the purposes of subsection 1, a violation of the law of any other jurisdiction which prohibits the same or similar conduct as NRS 484.379 constitutes a violation of NRS 484.379.".

Amend sec. 3, page 4, line 30, by deleting "*3.*" and inserting "*5.*".

Amend sec. 3, page 4, line 37, by deleting "*4.*" and inserting "*6.*".

Amend sec. 3, page 4, line 41, by deleting "*5.*" and inserting "*7.*".

Amend sec. 3, page 5, line 17, by deleting "*6.*" and inserting "*8.*".

Amend sec. 3, page 5, line 23, by deleting "*7.*" and inserting "*9.*".

Amend sec. 4, page 5, line 38, by deleting "48" and inserting "96".

Amend sec. 4, page 5, line 39, by deleting "which" and inserting "that".

Amend sec. 4, page 6, line 7, by deleting "and".

Amend sec. 4, page 6, line 8, after "(3)" by inserting: "Shall order him to perform not less than 100 hours, but not more than 200 hours, of work for the community while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379, unless the court finds that extenuating circumstances exist; and (4)".

Amend sec. 4, page 6, line 21, by deleting: "Any offense which" and inserting: "An offense that".

Amend sec. 4, page 6, line 39, by deleting "Any" and inserting "A".

Amend sec. 4, page 7, line 30, by deleting "which" and inserting "that".

Amend sec. 7, page 8, line 8, by deleting "*2,*" and inserting "*3,*".

Amend sec. 7, page 8, line 14, after "Counselor" by inserting: "*or other person*".

Amend sec. 7, page 8, line 19, by deleting "treatment;" and inserting: "[treatment;] *treatment to the extent of his financial resources;*".

Amend sec. 7, page 8, line 21, by deleting "24" and inserting "48".

Amend sec. 7, page 8, by deleting line 23 and inserting: "(2) Five] *5* days, and if required pursuant to NRS 484.3792, has performed or will perform not less than 50 hours, but not more than 100 hours, of work for the community . [, if it is his second offense within 7 years.]

2. If the offender does not have the financial resources to pay all of the cost of the treatment, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the cost.".

Amend sec. 7, page 8, line 24, by deleting "2." and inserting "*3.*".

Amend sec. 7, page 8, by deleting lines 26 through 29 and inserting: "*years, he has been found guilty of:*".

Amend sec. 7, page 8, line 30, by deleting "*(b)*" and inserting "*(a)*".

Amend sec. 7, page 8, line 31, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 7, page 8, by deleting lines 33 and 34 and inserting:

"*(c) A violation of the law of any other jurisdiction which prohibits the same or similar conduct as set forth in paragraph (a) or (b) of this subsection.*".

Amend sec. 7, page 8, line 35, by deleting "*3.*" and inserting:

"*4. For the purposes of subsection 1, a violation of the law of any other jurisdiction which prohibits the same or similar conduct as NRS 484.379 constitutes a violation of NRS 484.379.*

5.".

Amend sec. 7, page 8, by deleting line 40 and inserting: "[3.] *6.* At the hearing on the application for treatment, the prosecuting".

Amend sec. 7, page 9, by deleting line 1 and inserting:

"*7. If the court grants* an application for treatment, the court shall:".

Amend sec. 7, page 9, line 21, by deleting "*6.*" and inserting "*8.*".

Amend sec. 7, page 9, line 27, by deleting "any" and inserting "a".

Amend sec. 7, page 9, line 28, by deleting "*7.*" and inserting "*9.*".

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

"Sec. 8. Sections 4 and 7 of this act become effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill by deleting the second and third lines and inserting: "of alcohol or a controlled substance for the first time to be placed in a program of treatment for alcoholism or drug abuse under certain circumstances; making the prior conviction of a person for driving under the influence of alcohol or a controlled substance in any jurisdiction a factor in determining eligibility for participation in such programs of treatment; prohibiting certain persons from applying to the court to undergo such programs of treatment;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning participation of person who is found guilty of driving under influence of alcohol or controlled substance in certain programs for treatment of alcoholism and drug abuse. (BDR 43-911)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 96 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 133.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 157.

Amend sec. 7, pages 3 and 4, by deleting sec. 7 and inserting:

"Sec. 7. (Deleted by amendment.)".

Amend sec. 11, page 6, by deleting lines 10 through 35 and inserting:

"482.465 1. The department shall rescind and cancel the registration of a vehicle whenever the person to whom the certificate of registration or license plates therefor have been issued makes or permits to be made any

unlawful use of the certificate or plates or permits the use thereof by a person not entitled thereto.

2. The department shall cancel a certificate of ownership or certificate of registration and license plates which have been issued erroneously or improperly, or obtained illegally.

3. *In addition to any other penalty set forth in this chapter and chapters 366 and 706 of NRS, the department may revoke a certificate of ownership or a certificate of registration and license plates for a vehicle with a declared gross weight in excess of 26,000 pounds if the department determines that:*

(a) The licensee of the vehicle has violated one or more of the provisions of this chapter or chapter 366 or 706 of NRS; and

(b) There is reasonable cause for the revocation.

4. Before revoking a certificate of ownership or a certificate of registration and license plates pursuant to subsection 3, the department must send a written notice by certified mail to the licensee at his last known address ordering him to appear before the department at a time not less than 10 days after the mailing of the notice to show cause why the certificate of ownership or the certificate of registration and license plates should not be revoked pursuant to this section.

5. Upon rescission , *revocation* or cancellation of the certificate of ownership or of the certificate of registration and license plates, the affected certificate or certificate and plates [shall] *must* be returned to the department upon receipt of notice of rescission , *revocation* or cancellation.".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 160.

Bill read second time.

Assemblyman Anderson moved that Assembly Bill No. 160 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 231.

Bill read second time and ordered to third reading.

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 188.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 3, page 3, line 1, by deleting "*paragraph (c),*" and inserting "*this section,*".

Amend sec. 3, page 3, line 16, by deleting "*6*" and inserting "*4*".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 13 as sections 3 through 11.

Amend sec. 5, page 4, line 15, by deleting: "6 to 10," and inserting: "4 to 8,".

Amend sec. 7, page 5, line 13, by deleting "*6*" and inserting "*4*".

Amend sec. 8, page 5, line 29, by deleting "*6*" and inserting "*4*".

Amend sec. 11, page 7, line 15, by deleting "*6*" and inserting "*4*".

Amend sec. 12, page 8, line 12, by deleting "*paragraph (c),*" and inserting "*this section,*".

Amend sec. 12, page 8, line 27, by deleting "*6*" and inserting "*4*".

Amend the bill as a whole by renumbering sections 14 through 16 as sections 16 through 18 and adding new sections designated sections 12 through 15, following sec. 13, to read as follows:

"Sec. 12. NRS 50.325 is hereby amended to read as follows:

50.325 1. If a person is charged with an offense punishable pursuant to chapter 453 , [or] 484 *or 488* of NRS or homicide resulting from driving , *operating or being in actual physical control of* a vehicle *or a vessel under power or sail* while under the influence of intoxicating liquor, a controlled substance or a chemical, poison or organic solvent, and it is necessary to prove:

(a) The existence of any alcohol;

(b) The quantity of a controlled substance; or

(c) The existence or identity of a controlled substance, chemical, poison or organic solvent,

the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the trial or preliminary hearing concerning the offense. Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence.

2. If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:

(a) Made at least 10 days before the date set for the trial;

(b) Sent to the defendant's counsel and to the defendant, by registered or certified mail by the prosecuting attorney; and

(c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.

3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.

Sec. 13. NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as *otherwise* provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

2. The provisions of subsection 1 do not apply to [the offenses enumerated in NRS 412.536, 412.538, 483.460, 483.490, 484.379, 484.3795, 484.384, 488.205, 493.130, 705.250, subsection 2 of NRS 483.560 and homicide] :

(a) The provisions of NRS 483.460, 483.490, subsection 2 of NRS 483.560 and NRS 484.384;

(b) An offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute;

(c) A homicide resulting from driving , *operating or being in actual physical control of a vehicle or a vessel under power or sail* while under the influence of intoxicating liquor or [to similar offenses] *a controlled substance; and*

(d) Any offense similar to an offense set forth in paragraph (a), (b) or (c) that is set forth in [any] *an* ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

Sec. 14. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as *otherwise* provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that he is unable to exercise care for his own health or safety or the health or safety of others, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person that kind and degree of force which would be lawful if he were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, he must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his own health and safety until he is no longer under the influence of alcohol. He may not be required against his will to remain in either a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if his condition appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which he is delivered; and

(b) Communicated at the earliest practical time to his family or next of kin if they can be located and to the division or to a local alcohol abuse authority designated by the division.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to [any driver] *a person who is* apprehended or arrested for [the offense of operating a vehicle under the influence of intoxicating liquor or controlled substances, pursuant to chapter 484 of NRS.] *:*

(a) An offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute;

(b) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; and

(c) Any offense similar to an offense set forth in paragraph (a) or (b) of this subsection that is set forth in an ordinance or resolution of a county, city or town.

Sec. 15. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each provider of health care shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of his blood, breath or urine if:

(a) The patient is suspected of driving , *operating* or being in actual physical control of a vehicle *or a vessel under power or sail* while under the influence of intoxicating liquor or a controlled substance [;] *in violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.205 or NRS 488.206 or section 4 of this act;* and

(b) The records would aid in the related investigation.

To the extent possible, the provider of health care shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all

reasonable office hours and for a reasonable length of time. The provider of health care shall also furnish a copy of the records to the law enforcement agent or district attorney who requests it and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related criminal proceeding against the patient.

4. A provider of health care, his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time and ordered to third reading.

Assembly Bill No. 315.

Bill read second time and ordered to third reading.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

All present except Assemblyman Humke, who was excused.

GENERAL FILE AND THIRD READING

Assembly Bill No. 215.

Bill read third time.

Remarks by Assemblymen Hettrick, Buckley, Price and Nolan.

Roll call on Assembly Bill No. 215:

YEAS — 36.

NAYS — Buckley, Evans, Lee, Perkins, Price — 5.

Excused — Humke.

Assembly Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 61.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 61:

YEAS — 40.

NAYS — Price.

EXCUSED — Humke.

Senate Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 102 be taken from the Chief Clerk's desk and placed on the Second Reading File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 15, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of 3 members, for the further consideration of the measure.

DARIO HERRERA	MAURICE WASHINGTON
JOHN C. CARPENTER	VALERIE WIENER
GENE WINES SEGERBLOM	LAWRENCE E. JACOBSEN
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Herrera moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 15.

Remarks by Assemblyman Herrera.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Anderson and Sandoval as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Bessette, Rick Buck, Kamber Wirthin, Jed Nix, John Bell, Dallas Croft, Michelle Harasha, Moira Ilg, Crista Weller, Natasha Merrill, Mike Drysdale, Dana Garcia, Rosemarie Garcia, Quinton Neff, Karen Woolley, Marsha Sarman, Megan Mygatt, Erin

Schwalm, Ryan Canady, Neil Canady, Norah Gingerich, Curtis Hammill, Kyle de Somber, Leon Kytle, Joel Jund, Jaime Metz and Joe de Braga.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Collins and Francine Collins.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Nat Lommori, Carolee Beckham, Julie Day, Kathy Warden, Larry Warden, Ross Whitacre, David Sanford, Alice Reese, Keli Day, Linda Reese, and Kim Chandler.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Richarson.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to John Riggs.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Adriene Angelini and Toni Angelini.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Malyn Malquist.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Craig.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Spencer, Henry Vasquez, Howard Cuveston, Jeremiah Spencer, Tristen Hobbs, Kendra Lawson, Amber Davis, Kneakeyia Jones, Brittney Fuller, Chianti Harvey, Jennifer Whitehead, Tarisha Jackson, Raynell Jenkins, Linda Gipson, David Amour, Bobbi Heath, Tara Jackson and Sharon Harvey.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, April 17, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:40 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), April 17, 1997

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Thomas D. Tostenson.

Lord God, give us the courage each day to understand one another. Help us not to slip into the lazy patterns of prejudice. For You have said in Your work, "from presumption comes nothing but strife," and You have shown this proverb to be true by many examples within our culture, within our families, and within ourselves. Lord, if You could cause this body, 78 years ago, to ratify prohibition into our nation's constitution, then teach us never to judge a book by its cover. Give us the fortitude to understand, that we may gain from it a capacity for love, for graciousness, and for wisdom. This we pray in the Name of the only wise God. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 284, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 42, 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Donnell, Shaffer and Porter as a second Committee on Conference concerning Assembly Bill No. 15.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 16—Declaring the month of April as Child Abuse Prevention Month in the State of Nevada.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblywoman Freeman.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Arberry, Buckley, Amodei, Freeman, Bache, Tiffany, Anderson, Lee, Koivisto, Parks, Lambert, Williams, Berman, de Braga, Collins, Chowning, Nolan, Manendo, Price, Segerblom, Carpenter, Hickey, Perkins, Marvel, Herrera, Goldwater and Close:

Assembly Bill No. 375—An Act relating to mental health care; making various changes concerning mentally ill persons; specifying additional rights of clients of certain facilities; requiring managed care organizations to provide certain benefits for mental health care; requiring certain entities that provide mental health care services through managed care to follow certain procedures before denying mental health care services to an insured; prohibiting such entities from engaging in certain practices that restrict the actions of a provider of mental health care; specifying the time within which such entities shall grant or deny a request for emergency mental health care services; requiring such entities to file a report containing certain information

with the commissioner of insurance; requiring all insurers of health care and managed care organizations to establish a system for resolving complaints of insureds relating to mental health care services; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Health and Human Services and Commerce.

Motion carried.

By Assemblymen Giunchigliani, Arberry, Goldwater, Herrera, Ohrenschall, Krenzer, Parks, Koivisto, Collins, Bache, Buckley, Amodei, Freeman, Tiffany, Anderson, Lee, Perkins, de Braga, Neighbors, Williams, Manendo, Price and Segerblom:

Assembly Bill No. 376—An Act relating to children; making various changes relating to the education of children in the public schools; revising provisions governing school-based decision making; requiring the boards of trustees of school districts to set aside money for certain schools; revising provisions governing the distribution of money to school districts; revising provisions governing the truancy of pupils; increasing the fee for filing an action for divorce to pay for certain truancy programs and court-ordered health treatments; increasing the fee for a record of birth to pay in part for certain programs for children; establishing certain task forces relating to education; making an appropriation; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 377—An Act relating to domestic violence; creating a crime of domestic isolation; providing that domestic isolation constitutes domestic violence; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 378—An Act relating to family development; establishing the family-to-family connection program and creating the early childhood development council to support early childhood development; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Infrastructure:

Assembly Bill No. 379—An Act relating to local improvement districts; authorizing the governing body of a municipality to create a local improvement district to provide for the conversion of electric and communication facilities that are above ground to underground facilities; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

By Assemblyman Price:

Assembly Bill No. 380—An Act relating to taxation; authorizing a county to sell tax liens against parcels of real property located within the county under certain circumstances; requiring the county treasurer to conduct a sale of tax liens if directed by the board of county commissioners; requiring the county treasurer to issue a certificate of purchase for each tax lien sold; requiring the county treasurer to collect the rent from the parcel of real property which is the subject of a tax lien under certain circumstances; authorizing the purchaser of a tax lien to commence an action for the collection of the delinquent taxes, penalties, interest and costs; authorizing the executive director of the department of taxation to enter into a contract with a collection agency for the collection of any outstanding debts owed to the department; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 102.

Bill read second time and ordered to third reading.

Assembly Bill No. 128.

Bill read second time.

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

Amendment No. 193.

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 through 11 as sections 6 through 10.

Amend the title of the bill by deleting the fifth and sixth lines and inserting: "or attendant; providing for the payment of".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 128 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 154.

Bill read second time.

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

Amendment No. 194.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 283.

Bill read second time.

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

Amendment No. 195.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 328.450 is hereby amended to read as follows:

328.450 1. [The state treasurer shall deposit in the state distributive school account in the state general fund money received in each fiscal year pursuant to 30 U.S.C. § 191 in an amount not to exceed $7,000,000.

2.] Any amount received in a fiscal year by the state treasurer pursuant to 30 U.S.C. § 191 [in excess of $7,000,000] must be deposited in the account for revenue from the lease of federal lands, which is hereby created.

[3.] *2.* The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 319.

Bill read second time.

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

Amendment No. 196.

Amend section 1, page 1, by deleting lines 6 through 12 and inserting: "*pursuant to NRS 284.173, contract with one or more independent contractors to provide such services.*

2. An independent contractor with whom a state agency contracts pursuant to subsection 1 must:

(a) Be licensed as a private patrolman pursuant to chapter 648 of NRS or employed by a person so licensed; and

(b) Possess the skills required of and meet the same physical requirements as law enforcement personnel certified by the peace officers' standards and ".

Amend section 1, page 1, by deleting lines 14 and 15.

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to state property; authorizing state agencies to contract with independent contractors to provide security services under certain circumstances; providing for the".

Amend the summary of the bill to read as follows: "Summary—Authorizes state agencies to contract with certain independent contractors to provide security services under certain circumstances. (BDR 23-735)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 57.

Bill read second time.

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

Amendment No. 197.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 156.

Amend section 1, page 1, line 3, after "shall" by inserting "*distribute*".

Amend section 1, page 1, line 6, by deleting "2:" and inserting: "2 [:] , *to:*".

Amend section 1, page 1, line 7, by deleting "For" and inserting "[For]".

Amend section 1, page 1, line 8, by deleting: "distribute to each county" and inserting: "[distribute to each county]".

Amend section 1, page 2, by deleting line 5 and inserting:

"(b) [For all] *All* other counties, [distribute] the amount remaining after making the".

Amend section 1, page 2, line 6, by deleting "county" and inserting:

"[county] *of these counties*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Assembly Bill No. 29 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ohrenschall, Buckley, Manendo, Koivisto, Collins, Amodei, Close, Hickey, Bache, Lambert, Giunchigliani, Arberry, Parks, Lee, Neighbors, Evans, Williams, Segerblom, Krenzer and Price:

Assembly Bill No. 381—An Act relating to mobile home parks; extending the benefits provided for renters of lots to renters of mobile homes from landlords of parks; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 315 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 55.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 55:

YEAS — 42.

NAYS — None.

Assembly Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 231:

YEAS — 42.

NAYS — None.

Assembly Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblyman Price.

Assemblyman Price moved that Assembly Bill No. 249 be re-referred to the Committee on Taxation.

Motion carried.

Assembly Bill No. 29.

Bill read third time.

The following amendment was proposed by Assemblyman Lee:

Amendment No. 159.

Amend sec. 3, page 1, line 10 by deleting "*arrest; or*" and inserting: "*arrest, unless it is patently obvious to the physician or other person who provides emergency medical services to the patient that the patient is in cardiac or respiratory arrest caused by a factor unrelated to the terminal*

condition of the patient, including, without limitation, that a foreign object is lodged in the throat or trachea of the patient; or".

Amend sec. 4, page 2, line 1, by deleting "*patient.*" and inserting: "*patient, unless it is patently obvious to the physician or other person who provides emergency medical services to the patient that the patient is in cardiac or respiratory arrest caused by a factor unrelated to the terminal condition of the patient, including, without limitation, that a foreign object is lodged in the throat or trachea of the patient.*".

Amend sec. 12, page 2, line 37, by deleting the italicized semicolon and inserting an italicized period.

Amend sec. 12, page 2, line 38, by deleting "*patient; and* " and inserting "*patient.*".

Amend sec. 12, page 2, between lines 39 and 40, by inserting:

"*4. The common name of the terminal condition from which the patient suffers.*".

Amend sec. 14, page 3, line 24, by deleting "*arrest;*" and inserting: "*arrest, unless it is patently obvious to the physician or other person who provides emergency medical services to the patient that the patient is in cardiac or respiratory arrest caused by a factor unrelated to the terminal condition of the patient, including, without limitation, that a foreign object is lodged in the throat or trachea of the patient;*".

Amend sec. 17, page 4, by deleting lines 25 through 29 and inserting:

"*2. A person who administers emergency medical services:*

(a) Who is unwilling or unable to comply with the do-not-resuscitate protocol shall, except as otherwise provided in paragraph (b), take all reasonable measures to transfer a qualified patient who possesses a do-not-resuscitate identification to a physician or health care facility in which the do-not-resuscitate protocol may be followed.

(b) Shall not comply with the do-not-resuscitate protocol if it is patently obvious to him that the patient is in cardiac or respiratory arrest caused by a factor unrelated to the terminal condition of the patient, including, without limitation, that a foreign object is lodged in the throat or trachea of the patient.".

Amend the title of the bill, second line, by deleting: "the event of a" and inserting: "certain events of ".

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblymen Lee, Freeman, Segerblom, Goldwater, Nolan, Krenzer and Giunchigliani.

Assemblymen Giunchigliani, Arberry and Goldwater moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 159 to Assembly Bill No. 29.

Amendment lost.

Remarks by Assemblymen Freeman, Ernaut, Segerblom, Ohrenschall, Anderson, Buckley, Carpenter, Lee and Arberry.

Assemblymen Arberry, Giunchigliani and Perkins moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 29.

Roll call on Assembly Bill No. 29:

YEAS — 27.

NAYS — Braunlin, Carpenter, Close, Collins, Dini, Ernaut, Gustavson, Hickey, Humke, Lee, Neighbors, Ohrenschall, Price, Sandoval, Tiffany — 15.

Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 27.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 27.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblymen Williams and Anderson.

Resolution adopted.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 141; Senate Bills Nos. 124, 141.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Brooke Conway, Brittany Bacon, Austin Bitisillie, Bradley Blankenship, Robbie Bozen, Lina Cordia, L. J. Cowperthwaite, Kerry Csiga, Ashley Davis, Jessica Derner, Kelsey Dockery, Scott Dunning, Brittany Gordon, Jaime Greene, Zach Jacobs, Kenneth Jones, Mike Lackey, Katy Lauer, Thomas Lyons, Jessica Marriott, Tashina McConnell, Scott McRae, Lance Medeiros, Mercedes Much, Chad

Plattsmier, Jamie Wiest, Josh Smith, Andrew Stephenson, Colter Thomas, Martin Sosa, Nicole Whited, Casey Gilles, Nance Greenstein, John Sullivan, Brea Anne Barbara, Nick Bauter, Emily Bean, Anna Bierman, Susan Cherpeski, Elizabeth De Flyer, Anthony Echo, Casey Fitzgerald, Kristen Garcia, Shaun Jolly, James Kasuto, Heather Mandeville, April Mitchell, Catherine Mylep, Kara Nelson, Nick Paul, Sara Prudic, Mike Raabe, Dustin Riley, Carrie Scher, Kathleen Theissens, Clint Treadway, Lynda Upton, Jessica Walter, Ryan Wilson, Devon Wirtz, Jenny Young, Logan Beeghly, Julie Camp, Jody Carlsen, Wyatt Cavalier, Ian Covington, Steve Ham, Virginia Hardie, Heather Hussey, Adam Donald Johnson, Sandra Johnson, Steve Marty, Casey Morgan, Elizabeth Opperman, Elizabeth Pederson, Anh Phan, Michele Schardin, Daphne Sison, Julie Steele, George Sturgeon, Tami Torok, Sarah Walker, Danny Santos, Carrie Hunter, Jamie Matorian, Sarah Nicholson, Osiris Munguia, Tonya Yorston, Tiffany Primka, Jim Bryant, Ginger Causey, Truc-Ha Duong, Jonathan Ehni, Mark Hodos, Jesse Johnson, Brody Leiser, Susie Paik, Kelly Phillips, Janelle Ross, Brian Vance, Cecilia Vasquez, Jill Zadny, Nicole Karasek, Norma Vicente, Leslie Williamson, Wayne Peterson, Maria Arrigotti, Robyn Faike, Jarrod Rickard, Jamie Scott, Aaron Thacker, John Ray, Bernard Sease and John Sparbel.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Nadine Phinney.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Baker.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Jarrell and Gloria Sturman.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Jones.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Dana Phillips and Guy Rocha.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Anne Morton.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Graf.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Ki Ki Freer-Parsons.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Buckley.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Michele Basta.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Van Valkenburgh.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Adrian, Sara Baker, Rebecca Bastien, Jacqueline Benzler, Christa Cruz, Brooke Dennert, Crystal French, Nadia Giles, Katelyn Harris, Andrea Inman, Luis Loe, Cynthia Mendoza, Jessica Mitchell, Miguel Nunez, William Orrock, Taylor Peart, Tiffany Peterson, Charlene Rigdon, Judith Sanchez, Johanna Sergott, Joshua Van Bruggen, Michaela Warr, Bret Wetherbee, Timothy Rainey, John Baughn, Crisoforo Bautista, Kate Brock, Mishelle Burchett, Lorinda Campbell, Chandra Chandler, Sean Davis, Kimberly Elsele, Jackie Giang, Kelly Goudswaard, Nicholes Green, Tim Hinkle, Jared Kenison, Kathryn La Pointe, Christopher Lyon, Ingrid Maldonado, Kelly McIntosh, Govanni Mena, Kara Ostergaard, Rolando Payan, Heidi Riekenberg, Trevor Stice, Stephan Szopa, Erin Warrell, Megan Willden, Jaime Barham, Jennifer Barrett, Ashley Bergan, Jeffrey Blackwell, Lindsay Cirone, Brian Etheridge, Michael Flamm, Vanessa Fritts, John Galicia, Krista Haggott, Matt Hill, Melissa Jeffers, Kristina Knowles, Amanda Label, Matt Larkin, Kristin Linke, Anthony Lonnegren, Kristy Matthews, Jennifer McCrosky, Kenneth Minasian, Alise Nosenzo, Dominic Pescal, Rebecca Peck, Crystal Roles, Shane Sawdon, Josh Steele, Jamie Webster, Natalie Wertz, Jeffrey Peters, Tony Villasenor, Lilia Villasenor, Juanita Arredondo, Carol Summers, Gayle Freeman, Nancy Kenison, Mrs. Lonnegren, Jo Stice, Valynda Chandler, Luis Loe, Sr. and Mrs. Barham.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Christiane Freer-Parsons and Mike Buckley.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Norman Rosenberg.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Pozarski and Frankie Lukasko.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Nelson.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Rhonda Strickland.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Bartak.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Martin.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Keri Putnam.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Tulman.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Duncan McCoy.

Assemblyman Perkins moved that the Assembly adjourn until Friday, April 18, 1997 at 10:45 a.m.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE EIGHTY-NINTH DAY

CARSON CITY (Friday), April 18, 1997

Assembly called to order at 10:49 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Braunlin, Carpenter, Ernaut, Goldwater, Lambert, Marvel, Mortenson, Neighbors, Parks, Tiffany and Williams, who were excused.

Prayer by the Chaplain, The Reverend Thomas D. Tostenson.

William Penn once said, "Men shall either be led by God, or ruled by tyrants." Throughout our world we see countless examples of this founding father's wisdom. Despot replacing Despot, oppression following oppression. Even tomorrow, we as a people are reminded of our own plight with the second anniversary of the Oklahoma bombing. Father, let us not fall into the error of so many ancient civilizations, who you judged with the words, "in those days men did what was right in their own eyes." Lest in an attempt to exercise liberty, we initiate tyranny. Father lead us, that by Your guidance our liberties may be secured. Help us we pray, in the Name of Him who is slow to anger, and abundant in loving kindness. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Senate Bills Nos. 10, 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 5.

Resolution read.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 198.

Amend the resolution, page 1, line 25, after "Resources," by inserting: "the Rehabilitation Division of the Department of Employment, Training and Rehabilitation,".

Amend the resolution, page 2, line 5, after "Resources," by inserting: "the Director of the Department of Employment, Training and Rehabilitation,".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assembly Concurrent Resolution No. 7.

Assemblywoman de Braga moved the adoption of the resolution.

Remarks by Assemblywoman de Braga.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Close, Humke, Dini, Amodei, Von Tobel, Bache, Ohrenschall, Neighbors, Herrera, Giunchigliani, Arberry, Hettrick, Ernaut, Buckley, Lambert, Braunlin, Sandoval, Price, Koivisto, Chowning, Nolan, Cegavske, Marvel, Tiffany, Berman, Mortenson, Carpenter, Perkins, de Braga, Parks, Lee, Gustavson, Collins, Hickey, Evans, Manendo, Anderson, Freeman, Segerblom, Goldwater, Krenzer and Williams:

Assembly Bill No. 382—An Act relating to crimes; enhancing the penalty for pandering children; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Von Tobel, Close, Marvel, Amodei, Freeman, Manendo, Hickey, Berman, Ohrenschall, Humke, Arberry, Buckley, Neighbors, Carpenter, Williams, Segerblom, Tiffany, Price, Nolan, Cegavske, Collins, Hettrick, Lambert, Parks, Koivisto and Gustavson:

Assembly Bill No. 383—An Act relating to traffic laws; revising the provisions regarding speed limits in school zones and school crossing zones; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Cegavske, Carpenter, Gustavson, Sandoval, Manendo, Koivisto, Hickey, Hettrick, Anderson, Giunchigliani, Chowning, Mortenson, Lee, Collins, Price, Nolan, Evans, Arberry, Williams, Tiffany, Marvel, Von

Tobel, Lambert, Humke, Amodei, Berman, Parks, Herrera, Close, Goldwater, Segerblom, Buckley, Ohrenschall, Bache, Neighbors, Krenzer, Dini, de Braga, Braunlin, Freeman, Ernaut and Perkins:

Assembly Bill No. 384—An Act relating to franchises; regulating the operation of franchises and the contractual relationships between franchisors and franchisees; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Freeman, Ohrenschall, Von Tobel, de Braga, Close, Tiffany, Segerblom, Herrera, Sandoval, Mortenson, Lambert, Parks, Braunlin, Koivisto, Lee, Gustavson, Cegavske, Collins, Chowning, Ernaut, Hettrick, Perkins, Buckley, Williams, Berman, Neighbors, Marvel, Amodei, Humke, Goldwater, Giunchigliani, Arberry, Anderson and Bache:

Assembly Bill No. 385—An Act relating to older persons; providing specifically for the civil liability of a person who abuses, neglects or exploits an older person; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Buckley, Goldwater, Carpenter, Perkins, Herrera, Berman, Nolan, Tiffany, Koivisto, Gustavson, Cegavske, Parks, Hickey, Segerblom, Sandoval, Ohrenschall, Manendo, Collins, Lee, Braunlin, Lambert, Freeman, Close, Amodei, Von Tobel, Neighbors, Chowning, Price, Krenzer, Evans, Hettrick and Mortenson:

Assembly Bill No. 386—An Act relating to criminal procedure; authorizing a court clerk to accept criminal complaints, indictments and informations which are filed electronically; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 387—An Act relating to elections; requiring the appointment of members to the Rocky Mountain Presidential Primary Task Force; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 388—An Act relating to taxation; transferring the responsibility for the collection of the taxes imposed on the sale or use of special fuel and the fees imposed on leases of passenger cars by short-term lessors from the department of motor vehicles and public safety to the department of taxation; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 274.

Bill read second time and ordered to third reading.

Assembly Bill No. 284.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 166.

Amend sec. 2, page 1, line 7, by deleting "*revocable privilege*" and inserting: "*privilege that may be revoked in accordance with disciplinary procedures set forth in this chapter and in regulations adopted by the board pursuant thereto,*".

Amend sec. 4, page 3, by deleting lines 7 through 14.

Amend sec. 4, page 3, line 15, by deleting "*5.*" and inserting "4.".

Amend the title of the bill, fourth line, by deleting: "board and witnesses testifying before the".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 11.

Bill read second time and ordered to third reading.

Senate Bill No. 42.

Bill read second time and ordered to third reading.

Senate Bill No. 147.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 102, 133, 243 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 65 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 7; Assembly Resolution No. 10; Senate Bill No. 93.

Assemblyman Perkins moved that the Assembly adjourn until Monday, April 21, 1997 at 10:45 a.m.

Motion carried.

Assembly adjourned at 11:20 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), April 21, 1997

Assembly called to order at 10:51 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Berman, who was excused.

Prayer by the Chaplain, The Reverend William L. McCord.

O Lord our God, I ask Your blessing on those gathered here this morning. Be with them in their deliberations; provide them with such discernment that they may see through the myriad of problems before them how best they may serve the people. Help them to keep ever mindful the needs of those who are without power and position. The Prophets have reminded us that unless we look after the widows and children, those weakest among us, we will forfeit our right to govern. This we pray remembering those faithful who have gone before, Abraham and Sarah, Isaac and Rebekah. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 179, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 16.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 164, 178, 202, 217, 221, 230, 232, 244, 272.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 102.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hettrick, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 17—Commending the participants of the 1997 Annual Commemorative Re-Run celebrating the 137th anniversary of the Pony Express.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Von Tobel:

Assembly Bill No. 389—An Act making an appropriation to the Clark County School District for the restoration of the historic Logandale School; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 102.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 164.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 178.

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

Motion carried.

Senate Bill No. 202.

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

Motion carried.

Senate Bill No. 217.

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

Motion carried.

Senate Bill No. 221.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 230.

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

Motion carried.

Senate Bill No. 232.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 244.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 272.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 130.

Amend sec. 2, page 2, line 21, by deleting "30" and inserting "[30] *33*".

Amend sec. 2, page 2, line 23, after "session." by inserting: "*At least three of the measures must be recommended by a metropolitan police department that is located within the county.*".

Amend sec. 2, page 2, by deleting lines 32 through 37 and inserting:

"*(a) Is 400,000 or more shall not request the preparation of more than five legislative measures pursuant to subsection 1 for a regular legislative session.*

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than three legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than one legislative measure pursuant to subsection 1 for a regular legislative session.".

Amend the title of the bill, second line, after "measures;" by inserting: "authorizing boards of county commissioners of certain counties to request the preparation of an additional number of legislative measures;".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to requests for preparation of legislative measures by legislative counsel. (BDR 17-331)".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 10.

Bill read second time and ordered to third reading.

Senate Bill No. 189.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 65.

Bill read third time.

The following amendment was proposed by Assemblyman Carpenter:

Amendment No. 36.

Amend section 1, page 1, line 2, by deleting "[1. When" and inserting "1. [When".

Amend section 1, page 1, by deleting line 16 and inserting:

"2. [All] *Except as otherwise provided in subsection 3 of NRS 245.062, all* claims for traveling expenses and subsistence allowances [shall] *must* be".

Amend section 1, page 1, line 17, by deleting the bracket.

Amend sec. 2, page 2, by deleting lines 1 through 19 and inserting:

"245.062 1. The board of county commissioners of any county may, by resolution of the board [, create a county travel revolving fund to provide advances of money to county officers and employees for authorized subsistence allowances and] *or by ordinance, establish procedures for the payment of authorized* travel expenses *of county officers and employees*

arising out of their official duties or employment [, in the amounts] *as* provided in NRS 245.060.

2. [The resolution must set forth:

(a) The maximum amount of money that may be held in the fund;

(b) The source of the money to be used to establish and maintain the fund; and

(c) The method of controlling advances from the fund and reimbursing the fund for amounts advanced.] *Such a resolution or ordinance must require that each department of the county set forth in its annual budget the maximum amount of money that it estimates will be necessary to pay for necessary travel expenses for the fiscal year.*

3. The resolution *or ordinance* may authorize certain officers or".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblymen Carpenter and Bache.

Amendment lost.

Remarks by Assemblyman Hickey.

Roll call on Assembly Bill No. 65:

YEAS — 40.

NAYS — Carpenter.

Excused — Berman.

Assembly Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 102:

YEAS — 40.

NAYS — Lambert.

Excused — Berman.

Assembly Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 63 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 133.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 133:

YEAS — 41.

NAYS — None.

Excused — Berman.

Assembly Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 154:

YEAS — 41.

NAYS — None.

Excused — Berman.

Assembly Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 243.

Bill read third time.

Remarks by Assemblymen Sandoval, Price and Anderson.

Roll call on Assembly Bill No. 243:

YEAS — 41.

NAYS — None.

Excused — Berman.

Assembly Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 274.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Assembly Bill No. 274:

YEAS — 41.

NAYS — None.

Excused — Berman.

Assembly Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 319:

YEAS — 41.

NAYS — None.

Excused — Berman.

Assembly Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 11.

Bill read third time.

Remarks by Assemblymen Neighbors and Freeman.

Roll call on Senate Bill No. 11:

YEAS — 41.

NAYS — None.

Excused — Berman.

Senate Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 42.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 42:

YEAS — 41.

NAYS — None.

Excused — Berman.

Senate Bill No. 42 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 57.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Senate Bill No. 57:

YEAS — 41.

NAYS — None.

Excused — Berman.

Senate Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 146.

Bill read third time.

Remarks by Assemblymen Price, Collins and Lambert.

Roll call on Senate Bill No. 146:

YEAS — 41.

NAYS — None.

Excused — Berman.

Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 147.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Senate Bill No. 147:

YEAS — 41.

NAYS — None.

Excused — Berman.

Senate Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 63.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 63:

YEAS — 41.

NAYS — None.

Excused — Berman.

Senate Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 390—An Act making an appropriation for the completion of the building at the Ely campus of the Great Basin College; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 391—An Act relating to health care; decreasing the threshold amount for requiring approval of proposed expenditures for new construction by or on behalf of a health facility in certain counties; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 392—An Act relating to public safety; providing for the imposition of additional administrative sanctions against child care facilities for certain violations of statutes and regulations; revising the procedure for the imposition of administrative sanctions against child care facilities; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 14; Senate Bill No. 61.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Louie Istrice.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to R. Lee Chapman.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Luke Lancaster, Jed

Rudelbach, Charlie Bispo, John Sweet, Shelly Lisanti, April Portwood and Mattie Lancaster.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Tremayne.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Ray.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, April 22, 1997 at 10:45 a.m.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), April 22, 1997

Assembly called to order at 10:52 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by Elder Harold Miller of the Walker River Paiute Tribe.

We come to You today in blessings of You for this gathering and to pray for all the people here today to have better working relationships with our Indian communities from all reservations. We are praying to the Grandfathers for a blessing for each and every one in our Indian country, for our sick people in hospitals and pray for our boys in the military service. Grandfathers, bring them home safely and unharmed. Bless each and every one of us on our journey back home today. AHO.

Pledge of allegiance to the Flag.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini, Evans, Marvel, Neighbors, Von Tobel, Berman, Amodei, Goldwater, Anderson, Lambert, Parks, Koivisto, Lee, Gustavson, Sandoval, Mortenson, Collins, Hettrick, Arberry, Williams, Buckley, Humke, Nolan, Price, Braunlin, Perkins, Chowning, Herrera, Hickey, de Braga, Bache, Tiffany, Segerblom, Ohrenschall, Freeman, Manendo, Ernaut, Carpenter, Close, Krenzer, Giunchigliani and Cegavske:

Assembly Bill No. 393—An Act relating to Native Americans; revising the provisions relating to the commemorative day for Native Americans; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Bache moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:57 a.m.

ASSEMBLY IN SESSION

At 11:02 a.m.
Madam Speaker pro Tempore presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 393 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblymen Bache, Dini and Carpenter.

Roll call on Assembly Bill No. 393:

YEAS — 42.

NAYS — None.

Assembly Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Bache moved that all rules be suspended and that Assembly Bill No. 393 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing the Flag Song presented by Patty Hicks and Lucinda Benjamin.

Motion carried.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.
Mr. Speaker presiding.
Quorum present.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing an address by Mr. Joseph J. Frank, National Commander of the American Legion.

Motion carried.

Assembly in recess at 11:28 a.m.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

Joseph J. Frank, *National Commander*, American Legion:

Lieutenant Governor Hammargren, Speaker Dini, members of the Nevada State Legislature, veterans, ladies and gentlemen—thank you for inviting me to your beautiful state. I certainly appreciate your interest in the concerns of The American Legion.

Before I get into the substance of my remarks, I want to recognize a few patriotic Americans, some of whom accompanied me here this morning. The Nevada Legislature and The American Legion share a special distinction. Both are stomping grounds of State Senator Lawrence Jacobsen of Minden. Senator Jacobsen has looked out for the interests of veterans throughout his 34 years in the Nevada Legislature, and he is a survivor of the Japanese attack on Pearl Harbor. Lawrence, take a bow.

Also here with me today are officials from the Nevada Department of The American Legion: Commander of the Nevada American Legion, John Stingerie of Hawthorne; First Vice Commander of the Nevada American Legion, H. B. Williams, of Laughlin; Second Vice Commander, Pat Burch of Hawthorne; and, lastly, a member of the Carson City County Planning Commission, a former Nevada Assemblyman, former Nevada state senator, and an American Legion National Executive Committeeman, Archie Pozzi.

Sometimes after I read the morning paper, I shake my head in despair. I read about all of the bad things that happen in our nation and I ask my wife, Barbara, "What's our nation coming to?" Too many children are out of control; too many streets are unsafe; too many sick veterans feel abandoned; and the Supreme Court says it's okay to burn the American Flag. I ask you, what is this nation coming to?

I believe our nation's problems boil down to a decline in traditional values -- pure and simple. People who join patriotic organizations such as The American Legion and the American Legion Auxiliary are fighting to restore those values. Just as you elected officials, we want to be a part of the solution rather than silent, unwitting bystanders who are part of the problem.

There is one thing I really love about the Silver State. Nevadans live up to their state's motto. You really are "All For Our Country," and that's a big deal to a Missourian.

Some people say they're in favor of restoring values, but they aren't. Some people say they care about veterans, but they don't. What you say to a Missourian doesn't mean anything unless you practice what you preach. I'm from Missouri. You have to "Show Me."

There's a vein running through this state legislature that bears a commodity more precious than any mineral—the spirit of Americanism. The breadth of Nevada's diversions is exceeded

by the depth of Nevadans' support for the one unifying symbol of our nation. Nevada stands with The American Legion family in support of a constitutional amendment to protect Old Glory from physical desecration. While social misfits, who don't even know what they're doing, stand on Old Glory, the people of Nevada stand by Old Glory. The Nevada Legislature passed a resolution in support of a flag-protection amendment, and every member of the Nevada congressional delegation supports a constitutional sanctuary for Old Glory. Nevadans should be proud of that, and I thank you for that, my friends. The amendment, House Joint Resolution 54, was introduced February 13 by Representatives Gerald Solomon of New York and William Lipinski of Illinois. The bill has 303 supporters in the U.S. House of Representatives, far more than the two-thirds required, and both members of Nevada's delegation are among the bill's, as of yesterday, 272 co-sponsors. That's an incredible number of co-sponsors for anything, especially a constitutional amendment. The House vote will be held between Flag Day, June 14, and Independence Day. After the House vote, a companion bill will be introduced in the Senate, where 64 members of the Senate say they'll vote to protect Old Glory.

The bottom line is we need three more Senate votes to send the flag-protection amendment to the states for ratification. We know the Senate will be our battleground. In the 104th Congress, the amendment passed in the House, but it fell three votes short in the Senate. At least we don't need to lobby for Senate votes in Nevada.

People here have certainly shown me a resolve to translate the will of the people into the law of the land. That's one reason I'm honored to be with you this morning. I like your style here in Nevada. This state does not forget about the men and women who stood in harm's way to preserve the freedoms we all enjoy in this country.

Charles Abbott directs a veterans-service apparatus that's doing great things for those who sacrificed for freedom. With the support of this state, a chapel will be built at the Boulder City Veterans Cemetery, where more than 5,000 veterans are buried. I urge you to enter into a partnership with the federal government to build that chapel, a partnership in which Nevada would only have to cover 35 percent of the construction cost.

With the support of this 69th Nevada Legislature, this state can do more for older veterans. I commend this body for considering funding a veterans nursing home in southern Nevada. My thanks to Governor Miller for including a $6.7 million appropriation in his capital improvements budget. The federal government would pick up nearly two-thirds of the construction cost and provide per diem and Medicaid payments. The State of Nevada can't get a better deal than that. Many of Nevada's 190,000 veterans are seniors, so Nevada needs the 180 beds that the facility would provide. Mike O'Callaghan Hospital, a fine facility at Nellis Air Force Base, must devote its resources to active duty personnel—first.

Older veterans need—not want, but need—a facility designed to put them first. While I'm talking about health care, I must point out that most veterans can't use the Department of Veterans Affairs health care system. That's real unfortunate. The system has restrictions on who can be treated. Those restrictions are budget-driven. The American Legion has a remedy. The GI Bill of Health will be introduced later in this session of Congress. If Congress passes the GI Bill of Health, then the VA health care system will become accessible to all our nation's veterans and their families under certain managed-care principles. Service to existing VA patients will not be curtailed. I hope your congressional delegation backs The American Legion's newest GI Bill, and not just because it will make VA health care accessible to all veterans. Of course, you may recall the original GI Bill that was authored by The American Legion, and many of us in this room may have used the GI Bill of Education. The GI Bill of Health would also let the VA health care system retain third-party funding, which will preserve this vital national asset for future generations. The system needs the additional funding to survive. Without it, the VA will simply crumble.

A moment ago, I talked about your state's potential partnership with the federal government. Now I want to remind you of another partner—The American Legion Family. When it comes to upholding traditional values, Nevada and The American Legion Family are a winning team.

Think about how the people of Nevada benefit from The American Legion Family's presence. Think of all the native sons and daughters of the Silver State who've participated in Boys State and Girls State, Boys Nation and Girls Nation, the National High School Oratorical Contest, and, of course, American Legion Baseball. Think of all the children who will be a little safer because the McGruff Safe Kids program taught them how to avoid abduction. Think of all those hospitalized veterans who were helped by volunteers from our Legion family. Think of all those veterans who will use the Department of Veterans Affairs health care system, which Legionnaires in Nevada and across the nation are fighting to maintain. Think of the countless veterans who depend on American Legion service officers to help them file claims for disability compensation, including sick Gulf War veterans who deserve long-term treatment for their symptoms while scientists search for the cures and the causes of their illnesses.

Last week, I got a letter from a disabled Gulf War veteran in Germany named Steven Wood. Steven will testify Thursday before a U.S. House Committee investigating the government's handling of Gulf War illnesses. If there ever were words to characterize The American Legion's commitment to our nation's newest wartime veterans, Steven Wood chose them. Steven Wood was declared 100 percent disabled by the Department of Veterans Affairs. Steven figured his 100-percent disability rating would be an impossible dream, but The American Legion's Gulf War Task Force paved the way for people such as Steven to receive just compensation. He writes: "I knew that I was entitled to 100 percent from the VA, but I figured I would have to fight for years to get it. With The American Legion on my side, it was done right the first time." Those are heartwarming words.

Think about the difference The American Legion has made in the lives of many veterans in Nevada and elsewhere who seek benefits. Finally, think of the moral impact of providing constitutional sanctuary for the American Flag—the unifying symbol of this great nation.

Now I want to put all that bad news in the daily newspaper into perspective. We mustn't forget that, for all the discouraging news, there is a lot of good work being done that seldom gets reported today. And much of the community service in Nevada is performed by this state's nearly 7,000 Legionnaires. Programs that uplift our nation's young people, take care of veterans, and restore values don't make headlines very often, but those programs make a positive impact on our communities. That is what counts. As long as I'm breathing, I'm going to don my American Legion cap every day and go to work in an organization comprised of 3 million men and women who are "Still Serving America." I'm certain what will be going on here in Nevada. You, the members of the Nevada Legislature, and the people of your state, will continue to practice what you preach, especially taking care of veterans, standing by Old Glory, and working to preserve traditional values along with members of your Nevada American Legion Family. This is a place where people pull together to do the right thing.

Nevadans supported one another during flooding in January in the northern region. Nevadans have stood for a constitutional sanctuary for our Flag. And Nevadans have forged a covenant with their veterans—our nation's patriots—who sacrificed for our blessed American freedom. I'm from Missouri. You have to "Show Me." Nevada has shown me beauty which neither its resorts nor its entertainment complexes can equal—the beauty of a people who exemplify mutual helpfulness, the beauty of a people who love their country and cherish its Flag, and the beauty of a people who are "All For Our Country."

Thank you for the opportunity to be here.

ASSEMBLY IN SESSION

At 11:52 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 67, 287, 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 64, 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 261, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 185, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 186.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 118.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 5.

Resolution read.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblywoman Freeman.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Evans (by request):

Assembly Bill No. 394—An Act relating to insurance; requiring policies of health insurance to provide coverage for certain digestive disorders; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Amodei:

Assembly Bill No. 395—An Act making an appropriation to the State Public Works Board for the expansion of Project No. 97-C2; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Amodei:

Assembly Bill No. 396—An Act relating to holidays; requiring the Secretary of State to include on the ballot for the next general election the advisory question of whether the Legislature of the State of Nevada should declare the last Friday in October as the legal holiday to observe Nevada Day; and providing other matters properly relating thereto.

Assemblyman Amodei moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Gustavson, Carpenter, Von Tobel, Hettrick, Cegavske, Marvel, Hickey and Berman:

Assembly Bill No. 397—An Act relating to education; authorizing the parents of certain pupils to choose which public schools the pupils will attend; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Williams, Close, Arberry, Buckley, Herrera, Goldwater, Krenzer, Giunchigliani, Segerblom and Price:

Assembly Bill No. 398—An Act relating to schools; providing for the establishment of a pilot program to facilitate the availability of social workers in schools; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 118.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 186.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 179.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 84, 284; Senate Bills Nos. 10, 189 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Gamell.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to David Mofchum and John Isselin.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Minerva Moses.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Martinez and Darlene Giomi.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Arlan Melendez, Jon Hicks, A. Brian Wallace, Alvin Moyle, Dave Barber, Jacqueline Steele, Kent Steele,

Margaret Marin, Don Lee, Mervyn Wright, Jr., Cassidy Williams, Lew Lockwood, Kalen Jim, Lyla Pete, Myla Murphy, Lyle Pete, Charles Walker, Jr., Gina Harrison, Denise Suraco, Judie Davis and Ivy Bryan.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Della John, Peggy Lorge and Billy Imus.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Walter Johnson and Stella Johnson.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Malone, Carolyn Tyzbir and Brian Wallace.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Jackson.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Hardenbrook and Rosenne Hardenbrook.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Johnson.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Dawn Lee, Naomi James and Evelyn Conway.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Burns and Berdina Burns.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Harold Miller.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Gladys Hicks.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Clarence Williams and Norma Williams.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Wanda Batchelor.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Easton, Ben Johnson, Heather Grey, Sam Todd and Kerri Robbins.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 23, 1997 at 10:45 a.m.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), April 23, 1997

Assembly called to order at 10:46 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Segerblom, who was excused.

Prayer by the Chaplain, The Reverend William L. McCord.

Almighty and merciful God, we give thanks for the gift of another day, for the work we have to do, and for the strength to do it. Guide us, we pray, by Your truth; uphold us by Your power; and purify us by the continual indwelling of Your spirit. Grant that in every circumstance we may grow in wisdom, and knowing the things that are best to serve the needs of all the people, obtain strength to persevere, through Jesus Christ our Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 153; Senate Bill No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 110, 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 4, 8, 95, 101, 393.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 170, 176, 216.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Resolution No. 11—Expressing appreciation to the staff of the Assembly and designating April 23, 1997, as Assembly Staff Appreciation Day.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Hickey, Price, Hettrick and Perkins.

Resolution adopted.

By Assemblymen Price, Dini, Perkins, Hettrick, Goldwater, Von Tobel, Evans, Krenzer, Nolan, Braunlin, Cegavske, Gustavson, Williams, Bache, Lee, Humke, Ernaut, Chowning, Collins, Neighbors, Manendo, Giunchigliani, Mortenson, Ohrenschall, Buckley, Herrera, Arberry, Amodei, Lambert, Hickey, Carpenter, Marvel, Close, Sandoval, Parks, Anderson, Berman, de Braga, Segerblom, Freeman, Koivisto and Tiffany:

Assembly Concurrent Resolution No. 18—Granting administrative leave to legislative employees in recognition of their service to the 69th session of the Nevada Legislature.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Resolution adopted.

Assemblyman Price moved that all rules be suspended and that Assembly Concurrent Resolution No. 18 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Bache, Manendo, Anderson, Collins, Koivisto, Parks, Segerblom, Chowning, Ohrenschall, Price, Krenzer, Arberry, Herrera, Buckley, Neighbors, Williams, Goldwater, Perkins, Evans, Humke, Lee, Mortenson, Nolan, Amodei, Close and Freeman:

Assembly Bill No. 399—An Act relating to regional planning; creating an advisory committee on the quality of life for each regional planning commission; setting forth the duties of the advisory committees; establishing a regional planning commission and a local governing board for regional planning in certain counties; expanding the membership of the regional planning commissions and the local governing boards for regional planning;

requiring that quality of life be considered in regional planning; authorizing an administrative penalty against local planning commissions; specifying the percentage of the general fund of certain municipalities and counties that must be allocated to the regional planning commission; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 170.

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

Motion carried.

Senate Bill No. 176.

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

Motion carried.

Senate Bill No. 216.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 67.

Bill read second time.

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

Amendment No. 47.

Amend section 1, page 1, line 7, by deleting "*$25*" and inserting "*$15*".

Amend section 1, page 1, line 17, by deleting "[2] *5*" and inserting "2".

Amend section 1, page 1, line 18, by deleting "*25*" and inserting "*15*".

Amend section 1, page 1, line 20, by deleting "[15] *25*" and inserting "15".

Amend section 1, page 2, line 2, by deleting "[12] *20*" and inserting "12".

Amend section 1, page 2, line 4, by deleting "[10] *15*" and inserting "10".

Amend section 1, page 2, line 6, by deleting "[9] *10*" and inserting "9".

Amend section 1, page 2, line 12, by deleting "*20*" and inserting "*15*".

Amend section 1, page 2, line 21, by deleting "*20*" and inserting "*15*".

Amend section 1, page 2, line 24, by deleting "*15*" and inserting "*10*".

Amend section 1, page 2, line 31, by deleting "*20*" and inserting "*15*".

Amend section 1, page 2, line 33, by deleting "[15] *25*" and inserting "15".

Amend section 1, page 2, line 37, by deleting "*5*" and inserting "*2*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 67 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

Assembly Bill No. 198.

Bill read second time and ordered to third reading.

Assembly Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 233.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. 1. There is hereby appropriated from the state general fund to the division of forestry of the state department of conservation and natural resources the sum of $283,676 for the repair and maintenance of vehicles used by the division and volunteer fire departments for fighting fires.

2. Any remaining balance of the appropriation made by subsection 1 of this act must not be committed for expenditure after August 1, 1997, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 2. Notwithstanding the provisions of section 5 of chapter 447 of Statutes of Nevada 1995, at page 1413, the division of forestry is hereby authorized to augment the amounts authorized in section 1 of chapter 447 of Statutes of Nevada 1995, at page 1408, and subsequent augmentations approved by the interim finance committee to receive during fiscal year 1996-97 up to $350,000 of reimbursements from the use of the division's vehicles and those of volunteer fire departments in fighting fires and responding to other emergencies and to expend those funds during fiscal year 1996-97 for the repair and maintenance of vehicles used by the division and volunteer fire departments for fighting fires. The portion of the appropriation made by section 1 of this act used to repair and maintain vehicles must be

decreased to the extent that revenue received from reimbursements pursuant to this section of the act is available.

Sec. 3. In addition to amounts authorized for expenditure in section 1 of chapter 447, Statutes of Nevada 1995, at page 1408, and subsequent augmentations approved by the interim finance committee, the forestry intergovernmental agreement program is hereby authorized to receive during fiscal year 1996-97 up to $268,000 of reimbursements for the use of the program's vehicles in fighting fires and responding to other emergencies and to expend that money during fiscal year 1996-97 to repair and maintain vehicles used for fire fighting by fire protection districts organized pursuant to chapter 473 of NRS.

Sec. 4. The division of forestry shall report to the interim finance committee on or before September 30, 1997, on the use of the funds appropriated and authorized by this act and the amount of money reverted to the state general fund.".

Amend the title of the bill to read as follows: "An Act relating to state financial administration; making an appropriation to repair and maintain vehicles used to fight fires; authorizing certain related budgetary augmentations; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Provides financial support for repair and maintenance of certain vehicles used to fight fires. (BDR S-1434)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 287.

Bill read second time.

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

Amendment No. 214.

Amend section 1, page 1, line 15, by deleting "*Provided notice*" and inserting: "*Sent notice, by registered or certified mail, return receipt requested,*".

Amend section 1, page 1, line 17, by deleting: "*and an appeal.*" and inserting: "*before the designee of the board and an appeal of that decision to the board.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 314.

Bill read second time.

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

Amendment No. 243.

Amend sec. 2, page 2, by deleting lines 6 through 10 and inserting: "city lies of its intention, annex [:

(a) Contiguous] territory *that is contiguous on at least 15 percent of its aggregate external boundaries to the city if:*

(a) The territory is owned in fee by the city [.] *; or*

(b) [Other contiguous territory if 100] *One hundred* percent of the owners of record of individual lots or parcels of land within [such area] *the territory* sign a petition requesting the governing body to annex [such area] *the territory* to the city. If such petition is".

Amend sec. 2, page 2, line 12, by deleting "such area" and inserting: "[such area] *the territory*".

Amend sec. 3, page 3, by deleting line 19 and inserting: "*annexing municipality or on the existing area of a sphere of influence or separated from the boundary or area thereof by a street,*".

Assemblywoman Lambert moved the adoption of the amendment.

Remarks by Assemblywoman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 9.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 181.

Amend sec. 3, page 3, line 18, after the period by inserting: "*The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.*".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows: "Sec. 4. The amendatory provisions of this act expire by limitation on October 1, 2001, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of a license plate pursuant to section 1 of this act.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Giunchigliani and Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 64.

Bill read second time and ordered to third reading.

Senate Bill No. 88.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 84.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 84:

YEAS — 41.

NAYS — None.

Excused — Segerblom.

Assembly Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 99.

Bill read third time.

Remarks by Assemblymen Close, Goldwater, Anderson, Giunchigliani, Price and Herrera.

Roll call on Assembly Bill No. 99:

YEAS — 35.

NAYS — Anderson, Ernaut, Goldwater, Ohrenschall, Parks, Perkins — 6.

Excused — Segerblom.

Assembly Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 234.

Amend section 1, page 2, by deleting lines 4 and 5 and inserting:

"*(a) The arbitrator shall assess his costs to the losing party except in extraordinary cases wherein the arbitrator may determine that a different assessment of costs is more equitable and make the assessment accordingly;*".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 284.
Bill read third time.
Remarks by Assemblyman Amodei.
Roll call on Assembly Bill No. 284:
YEAS — 41.
NAYS — None.
Excused — Segerblom.
Assembly Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 10.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Senate Bill No. 10:
YEAS — 41.
NAYS — None.
Excused — Segerblom.
Senate Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 179.
Bill read third time.
Remarks by Assemblymen Chowning and Ernaut.
Conflict of interest declared by Assemblyman Ernaut.
Roll call on Senate Bill No. 179:
YEAS — 40.
NAYS — None.
Not voting — Ernaut.
Excused — Segerblom.
Senate Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 189.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Senate Bill No. 189:
YEAS — 41.
NAYS — None.
Excused — Segerblom.
Senate Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblywoman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:47 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Goldwater, Ohrenschall, Krenzer, Manendo, Bache, Perkins, Koivisto, Braunlin, Lee, Parks, Lambert, Freeman, Anderson, Price, Mortenson, Herrera, Amodei, Humke, Close, Giunchigliani, Arberry, Cegavske, Sandoval, Collins, Chowning, Ernaut, Williams, Neighbors, Tiffany, de Braga, Hickey, Evans and Nolan:

Assembly Bill No. 400—An Act relating to mobile home parks; requiring the refund with interest of certain deposits held by landlords of mobile home parks; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 401—An Act relating to public welfare; making various statutory changes in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; limiting the eligibility of aliens for certain public benefits; providing for the establishment of programs to provide assistance for the care and development of children and to provide temporary assistance for needy families; revising the powers and duties of the state welfare board and the welfare division of the department of human resources; revising the provisions governing the establishment of paternity and the enforcement of an obligation for the support of a child; establishing an administrative procedure for the establishment of paternity and the establishment, modification and enforcement of an obligation for the support of a child; requiring the inclusion of social security numbers in certain documents; adopting the Uniform Interstate Family Support Act; requiring the establishment of a directory of newly hired employees and the submission by employers of certain information to the directory; providing civil penalties; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Concurrent Committees on Health and Human Services, Judiciary and Ways and Means.

Motion carried.

By Assemblymen Parks, Mortenson, Koivisto, Lee, Chowning, Segerblom, Bache, Collins, Close, Goldwater, Nolan, Manendo, Von Tobel, Williams, Herrera, Price, Tiffany, Carpenter, Amodei, Neighbors, Cegavske, Lambert, Buckley, Perkins, Ohrenschall, Krenzer, Sandoval and Braunlin:

Assembly Bill No. 402—An Act making an appropriation to Clark County for the acquisition and development of property for public safety and recreational purposes; and providing other matters properly relating thereto.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Arends, Lela Rude, Mrs. Spofford, Ernesto Ayala, Ashley Barredo, Morgan Beam, Christopher Bessette, Jeremiah Cupp, Kellen Dale, Jessica De Bacco, Cody Drews, Alicia Evenson, Noah Greenspan, Kerri Hickenbottom, Garrett Lappin, Laura Licari, Kimberlee Linton, Isaac Lozano, Matthew Lyon, Charles Macquarie, Christopher Martin, Michael Neumann, Brittany Parra, Clinton Pheasant, Samuel Pincock, Amy Randall, Elizabeth Rankl, Sarah Ravenelle, Sarah Roberts, Andrew Tucker, Sarah Waters, Kaitlyn Webster and Christopher Madore.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Southerland, Joi Davis, Matthew Baker and Brenda Olson.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Jo Rasey, Reba Coombs, Janice Luevano, Virginia Letts and Sheri Silva.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Philene Anderson, Vikki Folstad, Kelly Liston and Sara Kaufman.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Phenix.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Kincaid.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Houger.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Day.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Gray.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley and Cindy Clampitt.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Carole Cavolick.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Cecile Crofoot.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Carmela Porcella and Barbara Pryor.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Laverna Marwin, Patty Hicks and Paula Winne.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Naomi Dottei.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Marcelene Wehry, Jeanne Douglass, Brent Alverson, Bruce Pfeiffer, Heather Collins, Dyan Merritt,

Michael Collins, Terry Sullivan, Rebecca Lawson, Joe Crawford, Nicole Geissler, Michael Wiese, Chris Brunsvold, Greg Torres, Jacque Sneddon, Cindy Benjamin, Carolyn Grabski, Bonnie Sue Borda, Susan Furlong Reil, Jason Hataway, Harle Glover and Linda Alden.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Liz Frankel and Lori Conforti.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Spieth, Jean McGuire and Randy Ramos.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Spencer and Marilyn McElhany.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Rita Ahart.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Lois McDonald.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Cooper, Anita Wallstrum and Rebecca Wallstrum.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Buoncristiani.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Maynick.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Francis Noe.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Erin DeLong and Jasmine Shackley.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Kristi Geiser.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Cecile Crofoot.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Marge Griffin.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Yhvona Martin.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Sease.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Hancock.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to R. J. Keetch.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Carlson.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Dana Langdon.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to C. J. Johnston and Jane Baughman.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Thomsen, Nykki Kinsley and Cathy Cassidy.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Irene Davis.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Hess and Ben Raskin.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Jana Mabry.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Stephany Corral.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Van Nostrand and Linda Corbett.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, April 24, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:39 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), April 24, 1997

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend William L. McCord.

O Lord, our God, the creator and preserver of all humankind: Bestow upon this Assembly wisdom and understanding; provide them with the ability to discern between the needs and wants of the people they serve; give them the spirit of cooperation that will establish justice and promote the welfare of all our people. Bless them, their families and the people they serve; to the glory of Thy Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblymen Hettrick, Bache and Lambert.

Roll call on Assembly Bill No. 198:

YEAS — 41.

NAYS — Marvel.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 64.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 64:

YEAS — 41.

NAYS — Freeman.

Senate Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 88.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Senate Bill No. 88:

YEAS — 42.

NAYS — None.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 15.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Joint Resolution No. 15 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 15.

Resolution read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Joint Resolution No. 15:

YEAS — 42.

NAYS — None.

Senate Joint Resolution No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblywoman Giunchigliani moved that all rules be suspended and that Senate Joint Resolution No. 15 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bill No. 300; Senate Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 211, 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 324, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 153 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 23, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 5, 18.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 63.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 28.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 28.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblymen Close, Hettrick, Price, Chowning, Amodei and Anderson.

Resolution adopted.

By Assemblymen Goldwater, Giunchigliani, Herrera, Koivisto, Lee, Mortenson, Braunlin, Parks, Buckley, Berman, Arberry, Bache, Chowning,

Collins, Price, Nolan, Manendo, Krenzer, Tiffany, Segerblom, Ohrenschall, Close, Perkins and Williams:

Assembly Concurrent Resolution No. 19—Urging local governments to develop measurement indicators for the quality of life in the communities of the State of Nevada.

Assemblyman Goldwater moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 403—An Act relating to roads; authorizing local governments and the director of the department of transportation to establish toll roads and toll bridges; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 404—An Act relating to operators of motor vehicles; restricting a person who is less than 18 years of age from receiving a driver's license unless the person meets certain requirements; restricting educational and training courses for drivers to persons of a certain age; requiring the department of motor vehicles and public safety to adopt regulations which set forth the number of hours of training a person less than 18 years of age must complete to be issued a driver's license; prohibiting a person from driving in violation of a curfew; making various changes regarding education and training for drivers; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 405—An Act relating to dogs; revising the provisions governing the sale of dogs; providing remedies for purchasers of dogs that die, become ill or have certain undisclosed congenital or hereditary defects; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 406—An Act relating to the Airport Authority of Carson City; removing the limitations on the eligibility of a person to be reappointed to the board of trustees of the Airport Authority of Carson City; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 407—An Act relating to public purchasing; requiring a state agency to report the receipt of forfeited personal property on the monthly inventory list submitted to the purchasing division of the department of administration; revising the method for the sale of surplus property of using agencies; providing the purchasing division with the authority to refurbish surplus property before its sale; conforming the method for the sale of surplus personal property of the department of transportation to that used for the sale of surplus personal property of other using agencies; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 408—An Act relating to public retirement; authorizing the public employees' retirement board to establish a fund for the payment of accrued benefits for certain members of the public employees' retirement system; repealing certain obsolete provisions; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 409—An Act relating to state financial administration; revising the provisions governing the authority of the state board of examiners to authorize the clerk to approve certain contracts; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 410—An Act relating to welfare; creating the commission for health assurance within the department of human resources; requiring the commission to establish a program for health assurance to arrange for the provision of health care services to certain persons who are eligible to receive benefits through Medicaid and to other low-income residents of this state; requiring the commission to employ a program manager to conduct the administrative and operational business of the program; making various changes to the welfare division of the department of human resources regarding Medicaid; indemnifying counties from the responsibility of providing certain health care services to indigent persons; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblywoman Freeman:

Assembly Bill No. 411—An Act relating to adoption; providing for the certification of confidential intermediaries by the supreme court of Nevada to act in matters pertaining to adoption; defining the duties and obligations of a confidential intermediary; requiring the supreme court to adopt rules necessary for the establishment and administration of a program providing for such certification; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 209.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sections 4 and 5 as sections 9 and 10 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. NRS 33.050 is hereby amended to read as follows:

33.050 1. The payment of all costs and official fees must be deferred for any applicant for a temporary or extended order. After any hearing and no later than final disposition of the application or order, the court shall assess the costs and fees against [a party apportion them between the parties,]

the adverse party, except that the court may reduce them or waive them, as justice may require.

2. The clerk of the court shall provide each party, free of cost, with information about the:

(a) Availability of temporary and extended orders;

(b) Procedure for filing an application for an order; and

(c) Right to proceed without legal counsel.

3. The clerk of the court or other person designated by the court shall assist any party in completing and filing the application, affidavit and any other paper or pleading necessary to initiate or respond to an application for a temporary or extended order. This assistance does not constitute the practice of law, but the clerk shall not render any advice or service that requires the professional judgment of an attorney.

Sec. 2. Chapter 217 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *"Resident" means a person who:*

1. Is a citizen of the United States or who is lawfully entitled to reside in the United States and;

2. During the 6 weeks preceding the date of the crime was:

(a) Domiciled in this state; and

(b) Physically present in this state, except for any temporary absence.

Sec. 4. *A resident who is a victim of a crime that occurred in a state other than the State of Nevada may apply to the board for compensation if:*

1. The state in which the crime occurred does not have a program for compensating victims of crime for their injuries; or

2. The resident is ineligible to receive compensation under the program of the other state.

Sec. 5. NRS 217.020 is hereby amended to read as follows:

217.020 As used in NRS 217.010 to 217.270, inclusive, *and sections 3 and 4 of this act,* unless the context otherwise requires, the words and terms defined in NRS 217.025 to 217.070, inclusive, *and section 3 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 217.035 is hereby amended to read as follows:

217.035 "Crime" means [an] *:*

1. An act or omission committed within this state which, if committed by an adult, is forbidden by law and punishable upon conviction by death, imprisonment, fine or other penal discipline [.] *; or*

2. An act of international terrorism as defined in 18 U.S.C. § 2331(1) against a resident.

Sec. 7. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100; [or]

4. A person who is physically injured or killed as the direct result of a violation of NRS 484.379 or any act or neglect of duty punishable pursuant to NRS 484.3795 [.] *; or*

5. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1).

Sec. 8. NRS 217.220 is hereby amended to read as follows:

217.220 1. Except as otherwise provided in subsections 2, 3 and 4, compensation must not be awarded if the victim:

(a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle injured a pedestrian, violated any of the provisions of NRS 484.379 or the use of the vehicle was punishable pursuant to NRS 484.3795;

(b) Was not a [resident of the State of Nevada] *citizen of the United States or was not lawfully entitled to reside in the United States* at the time the incident upon which the claim is based occurred or he is unable to provide proof that he was a [resident] *citizen of the United States or was lawfully entitled to reside in the United States* at that time;

(c) Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries; [or]

(d) *Was not a resident at the time he was victimized, unless he was injured in this state and the board determines that the State of Nevada has a sufficient amount of money to pay for the claim from money received from the Federal Government for the compensation of victims of crime; or*

(e) Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.

2. Paragraph (a) of subsection 1 does not apply to a minor who was physically injured or killed while being a passenger in the vehicle of an offender who violated NRS 484.379 or is punishable pursuant to NRS 484.3795.

3. A victim who is a relative of the offender or who, at the time of the personal injury or death of the victim, was living with the offender in a continuing relationship may be awarded compensation if [:

(a) The] *the* offender would not profit by the compensation of the victim . [; and

(b) The offender was not in violation of NRS 484.379 or punishable pursuant to NRS 484.3795.]

4. The compensation officer may deny an award if he determines that the applicant will not suffer serious financial hardship. In determining whether

an applicant will suffer serious financial hardship, the compensation officer shall not consider:

(a) The value of the victim's dwelling;

(b) The value of one motor vehicle owned by the victim; or

(c) The savings and investments of the victim up to an amount equal to the victim's annual salary.

[5. As used in this section, "resident" means a person who:

(a) Is a citizen of the United States or who is lawfully entitled to reside in the United States; and

(b) During the 6 weeks preceding the date of the crime was:

(1) Domiciled in this state; and

(2) Physically present in this state, except for any temporary absence.]".

Amend the title of the bill to read as follows: "An Act relating to victims of crime; providing that any costs and fees associated with an order for protection against domestic violence must be assessed against the adverse party; providing that a resident of this state who becomes a victim of a crime in another state may apply for compensation for his injuries under certain circumstances; providing that a nonresident who was victimized in this state may be awarded compensation for his injuries under certain circumstances; making various other changes concerning compensation for certain victims of criminal acts; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning victims of crime. (BDR 3-273)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 304.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 238.

Amend section 1, page 1, line 7, after "*employee*" by inserting ", *affiliate*".

Amend section 1, page 1, line 10, by deleting: *cash, is not liable*" and inserting: *cash has absolute immunity from civil liability*".

Amend section 1, page 1, line 13, after "*The*" by inserting "*absolute*".

Amend sec. 2, page 1, line 16, by deleting: on May 1, 1997." and inserting: upon passage and approval.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 38.

Bill read second time.

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

Amendment No. 229.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "1. The city must be divided into [four] *six* wards, which".

Amend the bill as a whole by adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

"Sec. 3. Section 5.010 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 363, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. [On the Tuesday after the 1st Monday in May 1985, and at each successive interval of 4 years, a primary municipal election must be held in the city at which time candidates for two offices of councilman and for municipal judge, department 2, must be nominated.

2.] On the Tuesday after the [1st] *first* Monday in May [1987,] *1999,* and at each successive interval of 4 years, a primary municipal election must be held in the city at which time candidates for mayor, for [two] *three* offices of councilman and for municipal judge, department 1, must be nominated.

2. *On the Tuesday after the first Monday in May 2001, and at each successive interval of 4 years, a primary municipal election must be held in the city at which time candidates for three offices of councilman and for municipal judge, department 2, must be nominated.*

3. The candidates for councilman who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from wards [2 and 4] *1, 3 and 5* must be nominated as provided in subsection 1, and the candidates from wards [1 and 3] *2, 4 and 6* must be nominated as provided in subsection 2.

4. If the city council has established an additional department or departments of the municipal court pursuant to section 4.010 of this charter, and, as a result, more than one office of municipal judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the city clerk not less than 30 days nor more than 40 days before the day of the primary election. If the last day for filing a declaration of candidacy falls on a Saturday, Sunday or legal holiday, the period for filing expires on the preceding business day at 5 p.m. The city clerk shall collect from

each candidate, at the time of filing that candidate's declaration of candidacy, the filing fee which is prescribed by ordinance for that office. All of the filing fees which are collected by the city clerk must be paid into the city treasury.

6. If, at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate for nomination for any office, that candidate must be declared elected for the term which commences on the day of the first regular meeting of the city council next succeeding the meeting at which the canvass of the returns is made, and no primary or general election need be held for that office.

7. If, in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, he must be declared elected for the term which commences on the day of the first regular meeting of the city council next succeeding the meeting at which the canvass of the returns is made, and no general election need be held for that office. If, in the primary election, no candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

Sec. 4. On or before January 1, 1998, the city council shall:

1. Establish the boundaries of the two wards added pursuant to the amendatory provisions of section 1 of this act and designate these wards as wards 5 and 6.

2. Appoint two persons to the two offices of councilman added pursuant to the amendatory provisions of section 1 of this act. The successor to the office of councilman from ward 5 who is elected at the municipal election in 1999 serves for a term of 4 years. Notwithstanding the provisions of subsection 2 of section 1.140 of the charter of the City of Las Vegas, the successor to the office of councilman from ward 6 who is elected at the municipal election in 1999 serves for a term of 2 years. His successor who is elected at the municipal election in 2001 and each subsequent successor to that office serves for a term of 4 years.

Sec. 5. This act becomes effective on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to the charter of the City of Las Vegas; increasing the number of wards in the city; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Amends charter of City of Las Vegas to increase number of wards. (BDR S-146)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 29.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 29.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblymen Williams, Carpenter, Price, Lee and Parks.

Resolution adopted.

Assemblyman Arberry moved that the vote whereby Assembly Bill No. 398 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 398 be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Price requested that the following letters written to Assemblywoman Cegavske be entered in the Journal.

Hi my name is Michael. I have AIDs. I am 8 years old. I do not like having AIDs. AIDs is not good. I wish they would find a cure for AIDs. The only good thing about having AIDs is that my friends still play with me. Find a cure for AIDs!

DEAR BARBARA,

I have been very lucky because since I was 2 years old I got all the special meds that I needed to keep me alive because I have AIDS. I go to NIH in Bethesda, Maryland to get my AZT, 3TC and Indinavir.

We don't have to pay for these drugs. I hope everyone with AIDS can have these drugs for free.

Love, MIKE DOWLING, age 9

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 7; Senate Bills Nos. 11, 42, 147; Senate Concurrent Resolution No. 27.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Claire Ponn.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Ehrman.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Nelson.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Art Posner.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Evans, Larry Silver and James Sohns.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Janelle Delgado, Natalie Delgado, Alisha Berge, Rosalie Delgado, Robin Berge and DeVawna Barcus.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Cesar Adrian, Amy Ali, Hannah Armstrong, Amber Ballam, Paul Bennetts, Willie Bowman, Vienna Cabrita, Jose Castaneda, David Fatino, Thomas Fultz, Keeli Garcia, James Keathly, Carey Kytle, Samantha La Londe, Tim Larson, Isaac Marquez, Joe Olschowka, Drew Self Owen, Ashlee Robeson, Jaime Torres, Tabor Volberding, Candace Wade, Greg Webb, Allison Wetzel, B. J. Wilkerson, Laura Wilson, Sandra Guzzetta, Karen Bowman, Phil Armstrong, Paula Armstrong, Kellie Ballam, Wendy Fultz, T. J. Ames, Julio Arias, Nichole Becker, Lisa Briggs, Tye DeForest, Falon Foster, Randy Foster, Jesus Gutierrez, Kathryn Hardy, Andrew Holmes, Joshua Hopper, Megan Isbell, Joseph Lopez, Kaitlen McKinnon, Chad Niblett, Joshua Patterson, Nori Richarz, Christopher Scholl, Joshua Scott, Rubin Shelton, Casey Skog, Leah Studebaker, Joseph Wachtveitl, Mark Webster, Jr., Natalie Wells, Elijah Zachry, Renee Connet, Maxine McKinnon, Char Richarz, Terri Skog, Dave Scott, LuAnn Holmes, Cotton Baratti, Caleah Barnwell, Andrew Boucher, Vanessa Cabrita, Justin Cassinelli, Frank Cavataio, Adam Diament, Annette Dorado, Woodie Forant, Ashley Gatlin, Roxanne Hamner, Thomas Hopper, James Laklich, Abigail Lupena, Tyler McKee, Christie Nelson, Alicia Nungaray, R. C. Remington, Joe Sandoval, Joseph Slivkoff, Rodney Stockton, Corey Thompson, Adam Watts, Jacob Watts, Danyelle Wynands, Annette Gatlin, Linda Dorado, Tim Watts, Kristopher Achenbach, Stephen Beach, Matt Bowman, Nichole Bumgarner, Daniel Calli, Justin Cross, Sean Carroll, Brandon Dimit, Grant Dykstra, Krista Etchison, Louis Grinker, Jenna Fowler, Bradford Kato, Brenda Kennard, Shane Maddox, Justin Menesini, Jared Monzello, Jeff Olschowka, Jennie Parker, Danielle

Rodriquez, Mark Scott, Kendra Talavera, Joanna Taylor, Timmy Torres, Dustin Watkins, Dustin Wylie, Bob Kahn, Kelli Clark, Debbie Dimit, Debbie Fowler, Helene Reimold, John Johnston, Dru Service, Chace Ault, Jeffrey Bushey, Fred Butterbret, Matt Clark, Jess Dillon, Kyle Downs, Savannah Elder, Kristal Evans, Kirsten Forsell, James Francis, Daniel Green, Robin Johnson, Timothy Langley, Patrick Lassak, Natalie Malekos, Leif Meyer, Kevin Mezquita, Kenneth Pollock, Michelle Reeder, Andrew Rice, Amanda Ring, Danielle Salamone, Stacy Shamblin, Kerry Stogsdill, Jeremy Thornton, Kim Menesini, Bob Gardner, Daniel Rice, Rosi Meyer and Pat Salamone.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Mulhall.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Lara Duckett and Virginia Gordon.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Crosley and Judith Cox.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Rolfe.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Ann Egide.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to David Turner.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Leavitt.

Assemblyman Perkins moved that the Assembly adjourn until Friday, April 25, 1997 at 10:45 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE NINETY-SIXTH DAY

CARSON CITY (Friday), April 25, 1997

Assembly called to order at 10:54 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, The Reverend William L. McCord.

Guide, O Lord, I pray You, the members of the Assembly: Bless these Your servants. Grant them wisdom and strength to know and do Your will. Fill them with the love of truth and righteousness. Rule their hearts and prosper their endeavors, that law and order, justice and peace may prevail, to the honor of Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was re-referred Assembly Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 1, 18, 105, 107, 108, 127.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 7, 66 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 193.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 11.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 57.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 11.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 185.

Bill read third time.

Remarks by Assemblymen Hettrick and Perkins.

Roll call on Assembly Bill No. 185:

YEAS — 35.

NAYS — Berman, Braunlin, Ernaut, Lambert, Sandoval, Tiffany — 6.

Excused — Carpenter.

Assembly Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 261:

YEAS — 41.

NAYS — None.

Excused — Carpenter.

Assembly Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 287.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 287:

YEAS — 41.

NAYS — None.

Excused — Carpenter.

Assembly Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 314.

Bill read third time.

Remarks by Assemblywoman Lambert.

Roll call on Assembly Bill No. 314:

YEAS — 40.

NAYS — Ernaut.

Excused — Carpenter.

Assembly Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 9.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Senate Bill No. 9:

YEAS — 41.

NAYS — None.

Excused — Carpenter.

Senate Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Perkins, Freeman, Von Tobel, Berman, Marvel, Ohrenschall, Amodei, Humke, Koivisto, Parks, Bache, Arberry, Giunchigliani, Goldwater, Herrera, Neighbors, de Braga, Williams, Buckley, Chowning, Mortenson, Sandoval, Cegavske, Price, Nolan, Manendo, Evans and Tiffany:

Assembly Bill No. 412—An Act relating to weapons; prohibiting certain persons from owning, possessing or receiving a firearm; authorizing a private person who wishes to transfer a firearm to another person to obtain certain information from the central repository for Nevada records of criminal history about the person wishing to acquire the firearm; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 413—An Act relating to property taxes; increasing the amount of household income allowed for a senior citizen to qualify for a refund of a portion of the property taxes on his primary residence; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 414—An Act relating to elections; requiring the notification of registrars of voters and certain county clerks when a registered voter is adjudicated insane; increasing the maximum authorized number of registered voters for a precinct in which a mechanical voting system is used; revising the period for filing an affidavit of candidacy for a city office; revising the period for testing automatic tabulating equipment used in an election; authorizing the printing of ballots and other materials relating to an election outside this state under certain circumstances; requiring county and city clerks to prescribe the color of the ballots used in an election; revising the period for filing certain ballot questions with the county or city clerk; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 415—An Act relating to traffic laws; revising the provisions governing the circumstances under which a police officer may remove a vehicle from a roadway; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Manendo, Gustavson, Nolan, Segerblom, Chowning, Price, Krenzer, Mortenson, Lee, Lambert, Close, Parks, Hickey, Cegavske, Von Tobel and Williams:

Assembly Bill No. 416—An Act relating to substances causing impairment; revising the standard for determining when a person is operating a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance; increasing the penalty for a conviction of driving under the influence of intoxicating liquor or a controlled substance; making various other changes concerning intoxicating liquor and controlled substances; expressly providing that intoxication at the time of incurring a gaming debt or loss is not a defense in an action for recovery of the debt or loss; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Berman, Freeman, Giunchigliani, Collins, Lee, Braunlin, Koivisto, Ernaut, Hettrick, Nolan, Manendo, Sandoval, Mortenson, Evans, Anderson, Bache, Lambert, Parks, Arberry, Goldwater, Herrera, Close, Humke, Amodei, Ohrenschall, Von Tobel, Marvel, Neighbors, Williams, Buckley, Perkins, Cegavske, Gustavson, Price, Krenzer, Chowning, Hickey, Tiffany, Segerblom and de Braga:

Assembly Bill No. 417—An Act relating to days of observance; requiring the governor to proclaim a week in May as Osteoporosis Prevention and Awareness Week in the State of Nevada; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 193.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that the vote whereby Assembly Bill No. 413 was referred to the Committee on Taxation be rescinded.

Motion carried.

Assemblyman Price moved that Assembly Bill No. 413 be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 180.

Bill read second time and ordered to third reading.

Assembly Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 180.

Amend section 1, page 1, line 2, by deleting "16," and inserting "24,".

Amend sec. 2, page 1, line 5, by deleting "6," and inserting "8,".

Amend sec. 4, page 1, line 10, by deleting "check." and inserting: "check or an instrument of payment drawn on a foreign account in foreign money.".

Amend the bill as a whole by renumbering sections 6 through 8 as sections 8 through 10 and adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

"Sec. 6. "Deferred deposit" means a transaction in which, pursuant to a written agreement:

1. A customer tenders to a person a personal check drawn upon the account of the customer; and

2. The person:

(a) Provides to the customer an amount of money that is equal to the face value of the check, less any fee charged for the transaction; and

(b) Agrees not to cash the check for a specified period.

Sec. 7. "Deferred deposit service" means any person engaged in the business of deferring deposits for a fee, service charge or other consideration.".

Amend sec. 6, page 1, line 13, after "check-cashing" by inserting: "or deferred deposit".

Amend sec. 7, page 2, line 2, after "check-cashing" by inserting: "or deferred deposit".

Amend sec. 7, page 2, by deleting lines 5 and 6 and inserting:

"(a) A person doing business pursuant to the authority of any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage companies, thrift companies, pawnbrokers or insurance companies.

(b) A person licensed to make installment loans pursuant to chapter 675 of NRS.".

Amend sec. 7, page 2, line 7, by deleting "(b)" and inserting "(c)".

Amend sec. 7, page 2, line 13, by deleting "(c)" and inserting "(d)".

Amend sec. 7, page 2, line 15, by deleting "(d)" and inserting "(e)".

Amend sec. 8, page 2, line 23, by inserting a colon after "each".

Amend sec. 8, page 2, by deleting line 24 and inserting:

"(1) Partner;

(2) Officer;

(3) Director;

(4) Manager or member who acts in a managerial capacity; and

(5) Registered agent,

of the business entity.".

Amend sec. 8, page 2, by deleting lines 26 and 27 and inserting: "background, experience and activities of the applicant and its:

(1) Partners;

(2) Officers;

(3) Directors; and

(4) Managers or members who act in a managerial capacity,

as the commissioner determines is necessary.".

Amend sec. 8, page 2, between lines 29 and 30, by inserting:

"(e) If the applicant intends to provide deferred deposit services in addition to check-cashing services, a statement of that intent.".

Amend sec. 8, page 2, line 30, after "check-cashing" by inserting: "or deferred deposit".

Amend sec. 8, page 2, line 31, by deleting "principals" and inserting: "managers or members who act in a managerial capacity".

Amend sec. 8, page 2, line 36, after "check-cashing" by inserting: "or deferred deposit".

Amend sec. 8, page 2, by deleting lines 38 and 39 and inserting:

"3. Each licensee and applicant shall, for each license, deliver to the commissioner a financial statement prepared from his books and records by an independent public accountant who holds a permit to engage in the practice of public accounting in this state which has not been revoked or suspended. The financial statement must be dated not earlier than the close of the latest fiscal year of the licensee and must be submitted within 60 days thereafter. The commissioner may grant a reasonable extension for the submission of the financial statement if requested before the statement is due.".

Amend sec. 8, page 3, line 2, after "licensure." by inserting: "All money received by the commissioner pursuant to this subsection must be placed in the investigative account for financial institutions created pursuant to NRS 232.545.".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 13 and 14 and adding new sections designated sections 11 and 12, following sec. 8, to read as follows:

"Sec. 11. 1. Except as otherwise provided in section 12 of this act, each licensee shall have in force a surety bond payable to the State of Nevada in the amount of $50,000 for the use and benefit of any customer receiving his check-cashing or deferred deposit service.

2. The bond must be in a form satisfactory to the commissioner, issued by a bonding company authorized to do business in this state and must secure the faithful performance of the obligations of the licensee respecting the provision of the check-cashing or deferred deposit service.

3. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against him by any creditor or claimant arising out of business regulated by this chapter, give notice thereof to the commissioner by certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

4. Whenever the principal sum of the bond is reduced by recoveries or payments thereon, the licensee shall furnish:

(a) A new or additional bond so that the total or aggregate principal sum of the bonds equals the sum required pursuant to subsection 1; or

(b) An endorsement, duly executed by the surety, reinstating the bond to the required principal sum.

5. The liability of the surety on the bond to a creditor or claimant is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

6. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the licensee's agents within 30 days after:

(a) The licensee's death or the dissolution or liquidation of his business; or

(b) The termination of the bond,

whichever event occurs first.

7. Whenever the commissioner determines that the protection of the public so requires, he may order that an increase be made in the principal sum of the bond of any licensee, except that the commissioner may not order an increase of more than $10,000 if the licensee has submitted a current financial statement, or more than $15,000 otherwise.

8. Neither a licensee nor his surety may cancel or alter a bond except after notice to the commissioner by certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection 6.

Sec. 12. 1. In lieu of any surety bond, or any portion of the principal sum thereof as required by this chapter, a licensee may deposit with the state treasurer or with any bank or trust company authorized to do business in this state as the licensee may select, with the approval of the commissioner:

(a) Interest-bearing stocks;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this state or any city, county, town, township, school district or other instrumentality of this state or guaranteed by this state, in an aggregate amount of, based upon principal amount or market value, whichever is lower, of not less than the amount of the required surety bond or portion thereof.

2. The securities must be held to secure the same obligation as would the surety bond, but the depositor may receive any interest or dividends and,

with the approval of the commissioner, substitute other suitable securities for those deposited.".

Amend sec. 9, page 3, line 5, by deleting "8" and inserting "10".

Amend the bill as a whole by renumbering sec. 11 as sec. 16 and adding a new section designated sec. 15, following sec. 10, to read as follows:

"Sec. 15. 1. As used in this section, "change of control" means:

(a) A transfer of voting stock, partnership or member interests which results in giving a person, directly or indirectly, the power to direct the management and policy of a licensee; or

(b) A transfer of at least 25 percent of the outstanding voting stock, partnership or member interests of the licensee.

2. The commissioner must be notified of a transfer of 5 percent or more of the outstanding voting stock, partnership or member interests of a licensee and must approve a transfer that constitutes a change of control.

3. A person who acquires stock, partnership or member interests resulting in a change of control of the licensee shall apply to the commissioner for approval of the transfer. The application must contain information which shows that the requirements of this chapter for obtaining a license will be satisfied after the change of control. Except as otherwise provided in subsection 4, the commissioner shall conduct an investigation to determine whether those requirements will be satisfied. If, after the investigation, the commissioner denies the application, he may forbid the applicant from participating in the business of the licensee.

4. A licensee may submit a written request to the commissioner to waive an investigation pursuant to subsection 3. The commissioner may grant a waiver if the application has undergone a similar investigation by a state or federal agency in connection with the licensing of or his employment with a financial institution.".

Amend sec. 11, page 3, by deleting lines 21 through 32 and inserting: "greater, for:

(1) A check issued by the Federal Government, this state or a political subdivision of this state; or

(2) A payroll check issued by any person.

(b) Eight percent of the face amount of the check or $5, whichever is greater, for a check drawn on an institution located within this state.

(c) Fifteen percent of the face amount of the check or $5, whichever is greater, for a check drawn on an institution located outside of this state.

2. Charge or collect a fee or other consideration for a deferred deposit transaction in excess of 10 percent of the face value of the check of which the deposit is deferred.

3. Fail to:

(a) Post in a conspicuous place in every location at which he operates under a license issued pursuant to this chapter a notice that states the fees charged for cashing checks or entering into a deferred deposit transaction.

(b) Comply with section 18 of this act.

4. Fail to file with the commissioner a schedule of all fees charged at each location at which he operates under a license issued pursuant to this chapter.

5. Fail to deposit a check or present it for payment within 7 days after cashing it for a customer and endorse it in the name of the licensee, or, for deferred deposit transactions, fail to deposit a check or present it for payment within 30 days after the date on which the written agreement evidencing the deferred deposit transaction is executed.

6. Fail to provide to each customer cashing a check a receipt that includes".

Amend sec. 11, page 3, line 38, by deleting "6." and inserting "7.".

Amend sec. 11, page 3, line 43, by deleting "7." and inserting "8.".

Amend sec. 11, page 4, by deleting line 1 and inserting:

"9. Operate a check-cashing or deferred deposit service at a location other than a location for".

Amend sec. 11, page 4, line 3, by deleting "9." and inserting "10.".

Amend the bill as a whole by renumbering sections 12 through 14 as sections 19 through 21 and adding new sections designated sections 17 and 18, following sec. 11, to read as follows:

"Sec. 17. 1. A licensee may defer the deposit of a personal check written by a customer if:

(a) The deferral is evidenced by a written agreement that:

(1) Is signed by:

(I) The customer; and

(II) The licensee or an authorized representative of the licensee; and

(2) Complies with the requirements set forth in subsection 2;

(b) The period for which the deposit is deferred does not exceed 30 days after the date on which the written agreement required pursuant to paragraph (a) is executed;

(c) The licensee is not holding for deferred deposit another check from the same customer pursuant to a previous written agreement;

(d) The fee charged for the deferral does not exceed, directly or indirectly, the applicable fee authorized by subsection 2 of section 16 of this act; and

(e) The face amount of the check of which the deposit is deferred does not exceed $300.

2. A written agreement that evidences a deferred deposit:

(a) Must not authorize a licensee to accept collateral.

(b) Must set forth:

(1) The date to which payment is deferred; and

(2) In United States dollars and in annual percentage rate, the total amount of the fees, if any, charged for the deferred deposit.

3. If a check written to a licensee by a customer pursuant to a written agreement to defer deposit is returned for insufficient funds, the licensee:

(a) May charge the customer a fee not to exceed $25.

(b) Is not entitled to recover damages pursuant to NRS 41.620.

4. Except as otherwise provided in NRS 205.130, a customer who:

(a) Enters into a written agreement to defer the deposit of a check pursuant to paragraph (a) of subsection 1; and

(b) Tenders to a licensee a check in accordance with that agreement, is not subject to any criminal penalty for failure to comply with the terms of the agreement.

Sec. 18. A licensee who advertises his services, in whole or in part, through the use of a foreign language shall clearly disclose in that foreign language the fees, penalties and terms applicable to the services that he provides. The disclosures must be made by:

1. Posting the information on a conspicuous sign or chart within his place of business; and

2. Providing to customers who speak that foreign language materials that include the required disclosures.".

Amend sec. 12, page 4, between lines 14 and 15, by inserting:

"3. The commissioner may, in conducting an examination, investigation or hearing:

(a) Compel the attendance of any person by subpoena.

(b) Administer oaths.

(c) Examine, under oath, any person subject to the provisions of this chapter concerning his business and the conduct of his affairs.

4. A person subpoenaed pursuant to the provisions of this section who:

(a) Willfully refuses or neglects to:

(1) Appear at the time and place named in the subpoena; or

(2) Produce books, records or papers required by the commissioner; or

(b) Refuses to be sworn or answer as a witness, is guilty of a misdemeanor.

5. The commissioner may assess and collect the cost of an examination, periodic or special audit, investigation or hearing conducted pursuant to this chapter from a licensee whom the commissioner has ordered to undergo such an investigatory procedure in an amount established by the commissioner pursuant to NRS 658.101.".

Amend sec. 13, page 4, by deleting lines 15 through 29 and inserting:

"Sec. 20. 1. The following acts constitute grounds for disciplinary action pursuant to this chapter:

(a) Violating a provision of this chapter or a regulation adopted pursuant to this chapter.

(b) Making a false statement of material fact on an application for a license.

(c) Refusing to:

(1) Cooperate in an investigation conducted by the commissioner; or

(2) Pay an assessment levied by the commissioner pursuant to NRS 658.055.

(d) Failing to comply with an order of the commissioner.

(e) Engaging in conduct that demonstrates a lack of the competency or trustworthiness which, in the determination of the commissioner, is necessary to operate a check-cashing or deferred deposit service.

(f) Conviction of a felony or a misdemeanor involving fraud, misrepresentation or deceit.

2. If, after a hearing, the commissioner determines that a licensee has committed one or more of the acts set forth in subsection 1, the commissioner may:

(a) For each act, impose upon the licensee an administrative fine in an amount not to exceed $1,000; or

(b) Restrict, suspend or revoke the license of the licensee.".

Amend sec. 14, page 4, lines 32 and 33, by deleting: ", after a hearing,".

Amend sec. 14, page 4, line 37, after "check for" by inserting: "or entering into a deferred deposit transaction with".

Amend sec. 14, page 4, line 38, after "3." by inserting: "Service of an order issued by the commissioner pursuant to subsection 1 or 2 is effective when delivered in person to the recipient or upon mailing by certified mail, return receipt requested, to the last known address of the recipient. A person who receives an order issued by the commissioner pursuant to subsection 1 or 2 is entitled to a hearing if the request is made in writing to the commissioner within 30 days after service of the order. The order becomes final if:

(a) No hearing is requested; or

(b) At the conclusion of the hearing, the commissioner does not rescind the order.

4.".

Amend sec. 14, page 4, line 40, by deleting "an" and inserting "a final".

Amend sec. 14, page 4, line 41, by deleting "4." and inserting "5.".

Amend the bill as a whole by renumbering sections 15 through 17 as sections 23 through 25 and adding a new section designated sec. 22, following sec. 14, to read as follows:

"Sec. 22. 1. Any person threatened with injury or damage by reason of a violation of any provision of this chapter may, in a court of competent jurisdiction:

(a) Institute an action or proceeding for injunctive relief.

(b) Sue therefor and shall recover an amount not less than his actual damages nor more than treble damages, together with reasonable attorney's fees and costs.

2. If a court determines by clear and convincing evidence that a violation of this chapter was willful, the court, in its discretion, may award punitive damages in addition to the damages authorized by paragraph (b) of subsection 1.

3. A person commencing an action for any violation of the provisions of this chapter shall, simultaneously with the filing of the complaint with the court, mail a copy of the complaint to the attorney general.".

Amend sec. 16, page 5, line 1, by deleting: "7 or 11" and inserting: "9, 16 or 17".

Amend sec. 17, page 5, line 5, by deleting: "October 1, 1997." and inserting: "July 1, 1998.".

Amend the bill as a whole by adding a new section designated sec. 26, following sec. 17, to read as follows:

"Sec. 26. 1. This section and sections 16 and 17 of this act become effective on October 1, 1997.

2. Sections 1 to 15, inclusive, and 18 to 25, inclusive, of this act become effective on July 1, 1998.".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to financial services; providing for the regulation and licensure of check-cashing and deferred deposit services; prohibiting certain acts relating to check-cashing and deferred deposit services;".

Amend the summary of the bill, first line, after "check-cashing" by inserting: "and deferred deposit".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 218.

Amend section 1, page 1, by deleting lines 2 through 10, and inserting:

"625.170 *1.* The executive director of the board shall , [prepare] once each year [,] or at intervals [as] established by the board, *prepare* a roster [showing the names, last known addresses and disciplines of engineering of all registered professional engineers and the names and last known addresses of all land surveyors, engineering interns and land-surveying interns. Copies of the] *that shows, for each:*

(a) Registered professional engineer, his name, the city in which he lives, his license number and the discipline of engineering in which he specializes.

(b) Land surveyor, his name, the city in which he lives and his license number.

(c) Engineering or land-surveying intern, his name and registration number.

2. The roster must be:

[1. Mailed to]

(a) Made available to each person so registered [.

2.] *or licensed in a manner prescribed by the board.*

(b) Placed on file with the secretary of state and county and city clerks.

[3.] *(c)* Distributed or sold to the public.".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 300.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 153 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Bache.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 324.

Bill read second time and ordered to third reading.

Assembly Bill No. 336.

Bill read second time and ordered to third reading.

Senate Bill No. 106.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

Assembly Bill No. 153.

Bill read second time.

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

Amendment No. 255.

Amend section 1, page 1, line 7, by deleting "A" and inserting: "[A] *Such a*".

Amend section 1, page 1, line 10, by deleting "*November*" and inserting "*June.*".

Amend section 1, page 1, line 11, by deleting "*year, if:*" and inserting "*year.*".

Amend section 1, page 1, by deleting lines 12 through 16.

Amend section 1, page 2, line 3, by deleting the bracket.

Amend section 1, page 2, line 4, by deleting "unexpected" and inserting "[unexpected]".

Amend section 1, page 2, line 8, by deleting the bracket.

Amend section 1, pages 2 and 3, by deleting lines 38 through 43 on page 2 and lines 1 through 4 on page 3.

Amend the title of the bill to read as follows: "An Act relating to municipal obligations; revising the provisions governing special elections to approve general obligations proposed by municipalities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing special elections to approve general obligations proposed by municipalities. (BDR 30-554)".

Assemblywoman Lambert moved the adoption of the amendment.

Remarks by Assemblywoman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that the vote whereby Assembly Bill No. 239 was referred to the Concurrent Committees on Judiciary and Ways and Means be rescinded.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 239 be referred to the Concurrent Committees on Judiciary and Elections, Procedures, and Ethics.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 11; Senate Joint Resolution No. 15.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 7.

The following Senate amendment was read:

Amendment No. 204.

Amend section 1, page 1, line 19, after "*state*" by inserting: "*for the purposes of NRS 616A.160*".

Amend section 1, page 2, between lines 9 and 10 by inserting: "*6. An owner of private property on which there are parking spaces designated for the handicapped, or the owner or operator of a business establishment located on such property, is not liable for any acts or omissions resulting from the issuance of a citation by a volunteer pursuant to this section.*".

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

"Sec. 2. NRS 616A.160 is hereby amended to read as follows:

616A.160 Volunteer officers attached to the Nevada highway patrol, *volunteers appointed pursuant to section 1 of this act who qualify pursuant to subsection 4 of that section,* the investigators appointed pursuant to NRS 481.243 or *volunteers of* a regularly organized and recognized police department, metropolitan police department or sheriff's unit, while engaged in their duties as such in any voluntary community service and while acting under the direction of the chief of the Nevada highway patrol, chief of the investigation division of the department of motor vehicles and public safety or a sheriff or chief of police, or their deputies or assistants, of any county, metropolitan police department, city or town in the protection of life or property shall be deemed, for the purpose of chapters 616A to 616D, inclusive, of NRS, employees of the Nevada highway patrol, investigation division or the city, town, metropolitan police department or county so recognizing them, at the wage of $900 per month, and are entitled to the benefits of those chapters upon compliance therewith by the Nevada highway patrol, investigation division or the county, metropolitan police department, city or town.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 7.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Lucy Pierce, Heather Maul,

Megan Crandall, Jim Guthrie, Stephen Szopa, Patrick Yim, Patrick Ruffo and Gabby Ramirez.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Pyung-Gun Shin.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Don V. Gustavson, Lee Gustavson, Bill Lafferty and Muriel Lafferty.

Assemblyman Perkins moved that the Assembly adjourn until Monday, April 28, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), April 28, 1997

Assembly called to order at 10:41 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Buckley and Carpenter, who were excused.

Prayer by the Chaplain, Pastor Lary Rothchild.

Gracious Father. Your will. Nothing more. Nothing less. Nothing else. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Education.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 205 be re-referred to the Committee on Education.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 38 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 25, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 130, 202, 230.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 249.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 146.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 28, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 30, 31.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Krenzer, Evans, Arberry, Hettrick, Manendo, Nolan, Price, Cegavske, Sandoval, Mortenson, Collins, Chowning, Ernaut, Anderson, Bache, Freeman, Lambert, Parks, Braunlin, Koivisto, Lee, Gustavson, Hickey, Tiffany, Carpenter, Close, Amodei, Buckley, Giunchigliani, de Braga, Von Tobel, Segerblom, Herrera, Humke, Ohrenschall, Berman, Goldwater, Marvel, Dini, Perkins, Neighbors and Williams:

Assembly Concurrent Resolution No. 20—Designating April 28, 1997, as Workers' Memorial Day in the State of Nevada.

Assemblywoman Krenzer moved the adoption of the resolution.

Remarks by Assemblymen Krenzer, Anderson, Collins and Giunchigliani.

Resolution adopted.

Assemblywoman Krenzer moved that all rules be suspended and that Assembly Concurrent Resolution No. 20 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 30.

Assemblyman Neighbors moved the adoption of the resolution.

Remarks by Assemblyman Neighbors.

Resolution adopted.

Senate Concurrent Resolution No. 31.

Assemblyman Goldwater moved the adoption of the resolution.

Remarks by Assemblymen Goldwater and Ernaut.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hettrick:

Assembly Bill No. 418—An Act relating to insurance; revising provisions regarding the performance of an independent evaluation to determine benefits of health care; requiring reimbursement for treatment of covered illnesses if the treatment is rendered by a person legally qualified to perform the particular health care service; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 249.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 362.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 110:

YEAS — 39.

NAYS — None.

EXCUSED — Arberry, Buckley, Carpenter — 3.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 180.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Assembly Bill No. 180:

YEAS — 39.

NAYS — None.

EXCUSED — Arberry, Buckley, Carpenter — 3.

Assembly Bill No. 180 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblymen Marvel, Giunchigliani and Collins.

Roll call on Assembly Bill No. 249:

YEAS — 38.

NAYS — Giunchigliani.

EXCUSED — Arberry, Buckley, Carpenter — 3.

Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 300.

Bill read third time.

Remarks by Assemblymen Sandoval, Ernaut and Price.

Potential conflicts of interest declared by Assemblymen Ernaut and Price.

Roll call on Assembly Bill No. 300:

YEAS — 39.

NAYS — None.

EXCUSED — Arberry, Buckley, Carpenter — 3.

Assembly Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 304:

YEAS — 39.

NAYS — None.

EXCUSED — Arberry, Buckley, Carpenter — 3.

Assembly Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 324.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 324:

YEAS — 39.

NAYS — None.

EXCUSED — Arberry, Buckley, Carpenter — 3.

Assembly Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 336.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 336:

YEAS — 39.

NAYS — None.

EXCUSED — Arberry, Buckley, Carpenter — 3.

Assembly Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 106; Senate Joint Resolution No. 8 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 4, 8, 95, 101, 393; Assembly Concurrent Resolutions Nos. 5, 17, 18; Senate Bills Nos. 10, 57, 63, 179, 189.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Olson and Matthew Baker.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Betsy Macfarlan.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Boies.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Dean Baker and Nancy Eldridge.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Stix and Ed DePaoli.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Cunningham.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Park.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Ned Eyre.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Harvey Barnes and Mike Griswold.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to James Ohrenschall.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Connelley, Bonnie Romero, John L. Falen, Nelo Mori, Ida Mori and Lourinda Wines.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Marta Agee.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, April 29, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:34 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), April 29, 1997

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

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Buckley, who was excused.

Prayer by the Chaplain, Pastor Lary Rothchild.

Lord Jesus. In the stillness of this moment, grant to each of us an awareness of Your presence and a recognition of Your wisdom and courage to pursue Your will. Ordain that who we are and what we do here will be a reflection of Your presence and Your wisdom and Your will. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Labor and Management.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 310 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 28, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 49, 51, 52, 106.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 20.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 419—An Act relating to gaming; making various changes to the provisions governing the regulation of gaming; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 420—An Act relating to sanity commissions; transferring the duty to establish the compensation of the members of such a

commission from the judge impaneling the commission to the administrator of the mental hygiene and mental retardation division of the department of human resources; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 421—An Act relating to tortfeasors; revising the provisions governing the effect of a release or covenant not to sue; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 422—An Act relating to records of criminal history; adding a representative of the office of court administrator to the membership of the advisory committee for the uniform program for reporting crimes; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Sandoval (by request):

Assembly Bill No. 423—An Act relating to evidence; providing for the admissibility under certain circumstances of the testimony of a witness who previously has undergone hypnosis; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 424—An Act relating to counties; authorizing smaller counties to employ private legal counsel to prosecute or defend certain civil actions; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 425—An Act relating to public officers; providing that a vacancy arises if a local officer is unable for a certain period to perform his duties; requiring local governments to insure against shorter disabilities; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 426—An Act relating to metropolitan police departments; requiring specific legislative authorization for the issuance of general obligations to finance capital improvements for metropolitan police departments; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 427—An Act relating to civil actions; changing the limit of time within which actions for malpractice may be commenced against accountants, accounting firms, attorneys and veterinarians; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 5.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 256.

Amend the resolution, page 1, line 2, by deleting "section 2" and inserting: "sections 2 and 33".

Amend the resolution, page 1, by deleting lines 5 through 14 and inserting:

"*Sec. 29A. The Legislature shall adjourn sine die each:*

1. Regular session in an:

(a) Odd-numbered year not later than midnight in the Pacific standard time zone 120 calendar days following its commencement. Any legislative action taken in a regular session in an odd-numbered year after midnight in the Pacific standard time zone on the 120th calendar day is void.

(b) Even-numbered year not later than midnight in the Pacific standard time zone 45 calendar days following its commencement. Any legislative action taken in a regular session in an even-numbered year after midnight in the Pacific standard time zone on the 45th calendar day is void.

2. Special session not later than midnight in the Pacific standard time zone 20 calendar days following its commencement. Any legislative action taken in a special session after midnight in the Pacific standard time zone on the 20th calendar day is void.

Sec. 2. [The]

1. Except as otherwise provided in subsection 2, the sessions of the Legislature shall be [biennial,] *annual,* and shall commence on the [3rd Monday of January next ensuing the election of members of the Assembly, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.] *first Monday of March.*

2. The Governor, by proclamation:

(a) May convene the Legislature for a special session not to exceed 20 calendar days in accordance with section 9 of article 5 of this constitution.

(b) Shall convene the Legislature for a special session not to exceed 20 calendar days not later than 45 calendar days after receipt of a petition by two-thirds of the members elected to each House calling for a special session and setting forth the topics for consideration during the special session. If the Legislature is convened for a special session pursuant to this paragraph, the Governor may add to the list of topics to be considered by the Legislature during that special session.

3. The Governor shall submit:

(a) In odd-numbered years, the proposed executive budget; and

(b) In even-numbered years, any proposed appropriations or proposed revisions to the executive budget, to the Legislature not later than 30 calendar days before the commencement of the regular session.

[Sec:] *Sec.* 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for not to exceed 60 days during any regular session of the legislature and not to exceed 20 days during any special session *;* [convened by the governor;] but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.".

Amend the resolution, page 1, after line 15, by inserting:

"RESOLVED, That section 9 of article 5 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 9. The Governor may on extraordinary occasions, convene the Legislature by Proclamation *for a special session not to exceed 20 calendar days* and shall state to both houses when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.

And be it further

RESOLVED, That section 2 of article 19 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the limitations of section 6 of this article, the people reserve to themselves the power to propose, by initiative petition, statutes , [and] amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than [January 1 of the year preceding the year in which a regular session of the legislature is held.] *1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session.* After its circulation, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute

shall become law, but shall be subject to referendum petition as provided in section 1 of this article. If the statute or amendment to a statute is rejected by the legislature, or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the legislature rejects such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law.

4. If the initiative petition proposes an amendment to the constitution, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the secretary of state not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of

such voters votes approval of such amendment, it shall become a part of this constitution upon completion of the canvass of votes by the supreme court.

And be it further".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 153.

Bill read third time.

Remarks by Assemblymen Lambert and Goldwater.

Potential conflict of interest declared by Assemblyman Goldwater.

Roll call on Assembly Bill No. 153:

YEAS — 41.

NAYS — None.

Excused — Buckley.

Assembly Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 211.

Bill read third time.

Remarks by Assemblymen Williams and Chowning.

Roll call on Assembly Bill No. 211:

YEAS — 40.

NAYS — None.

Excused — Buckley.

Not voting — Marvel.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 285.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Assembly Bill No. 285:

YEAS — 41.

NAYS — None.

Excused — Buckley.

Assembly Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 362:

YEAS — 41.

NAYS — None.

Excused — Buckley.

Assembly Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 106:

YEAS — 40.

NAYS — None.

Excused — Buckley.

Not voting — Carpenter.

Senate Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Joint Resolution No. 8:

YEAS — 41.

NAYS — None.

Excused — Buckley.

Senate Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Ohrenschall, Lee, Collins, Nolan, Humke, Sandoval, Manendo, Segerblom, Williams, Carpenter, Gustavson, Koivisto, Braunlin, Buckley, Evans, Cegavske, Neighbors, Amodei, de Braga, Close, Ernaut, Perkins, Anderson, Freeman, Chowning, Parks, Giunchigliani, Lambert, Mortenson, Bache, Herrera, Goldwater, Krenzer, Berman, Von Tobel, Marvel, Tiffany and Hickey:

Assembly Bill No. 428—An Act relating to meetings of public bodies; prohibiting a majority of the members of a public body from developing a collective consensus on matters except in open and public meetings; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Williams, de Braga, Herrera, Arberry, Goldwater, Buckley, Price, Neighbors, Freeman, Segerblom, Manendo, Berman, Bache, Amodei, Ohrenschall, Giunchigliani, Koivisto, Braunlin, Parks, Lambert, Perkins, Tiffany, Hickey, Evans, Krenzer, Cegavske, Sandoval, Mortenson, Collins, Ernaut, Hettrick and Chowning:

Assembly Bill No. 429—An Act making an appropriation to the Department of Employment, Training and Rehabilitation for the support of programs relating to child care; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 1, 7, 18, 105, 107, 108, 127; Senate Bills Nos. 64, 88, 146; Senate Concurrent Resolutions Nos. 28, 29.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Horlacher and Fred Horlacher.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Dwyer and Pauline Baker.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to John Dewitz.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Couk, Anthony Diaz, Melissa Keesee, Robert Rockholt, Camille Sanders, Jose Silvera, Tony Vanosdall, Cindy Allen, Layne Christopher, Michael Gentry, Danny Hansen, Joshua Johnson, Tiffany Keller, Michael Ugalde, Nicole Brock, Kera Claar, Cecil Courtney, William Douglas, Sherri Johnson, Dea Minnitte, Bud Minto, Gabriela Munoz, Daniel Newton, Matthew Robinson, Douglas Scott, Nelson Silvera, Robert Victory, Michael Douglas, Thomas Herman, Kristy Johnson, Nathan Keller, Gabriel Morales, Michael Painter, Tyrel Aberasturi, Erik

Beveridge, Lorne Christopher, Joshua Constable, Thomas Dewitt, James Gentry, Marie Graves, Stacy Lee, Alison Mull, Bryan Price, Rebecca Smith, Jeramy Whitecliff, Jennifer Chason, Carin Clark, Kelly Dudal, Lorraine McKnight, Julie Odaye, Paul Painter, Nichole Timothy, Timmothy Conley, William Courtney, Joel Turnbow, Ken Quinn, Doug Walsh, Norm Waller, Barrie Minnitte, Gary Schenhour, Randy Ashley, Rex Bertinison and Vicki Warner-Huggins.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Sears and Rae Smalley.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Sylvester.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 30, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:34 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), April 30, 1997

Assembly called to order at 11:26 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Buckley, who was excused.

Prayer by Assemblyman Nolan.

Let us pray. Heavenly Father, You know we've fallen on tough times when You have a poor wretch like me stand before this body of my peers and ask You to bestow blessings upon us. But in many ways, it is fitting. Those of us who serve in this body are simple people who, when we leave here, try to return to simple lives. Lord, help us understand that it is the simple things in life that people want the most. Help us in our daily work to remember the acronym KISS—Keep It Simple, Sonny.

Lord, we ask You to help us in these things, and in Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 316; Senate Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was re-referred Senate Bill No. 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Assembly Concurrent Resolution No. 15.

Assemblyman Bache moved the adoption of the resolution.

Remarks by Assemblyman Bache.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 12—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Monica Clark is elected as an additional attaché of the Assembly for the 69th session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

By Assemblymen Nolan, Price, Cegavske, Sandoval, Mortenson, Collins, Chowning, Hettrick, Ernaut, Perkins, Buckley, Williams, Berman, de Braga, Neighbors, Marvel, Segerblom, Carpenter, Tiffany, Hickey, Evans, Manendo, Krenzer, Gustavson, Koivisto, Braunlin, Parks, Lambert, Freeman, Bache, Lee, Anderson, Arberry, Giunchigliani, Goldwater, Herrera, Close, Humke, Amodei, Ohrenschall, Von Tobel and Dini:

Assembly Concurrent Resolution No. 21—Declaring the month of April as Workplace Good Health and Fitness Month in Nevada.

Assemblyman Nolan moved the adoption of the resolution.

Remarks by Assemblymen Nolan, Ernaut, Collins, Anderson and Close.

Assemblyman Perkins requested that the Assemblyman Ernaut's remarks be entered in the Journal.

Mr. Speaker, I have endured, over the past two weeks, the discussion of what is appropriate and inappropriate from the pulpit in the morning prayer; whether someone can say "Jesus" or they can't say "Jesus" because they are personally offended. Well, ACR 21 personally offends me, along with my colleagues from Districts 3, 36 and 31. We'd like to stand and say that we would like the ACLU to take our case to the people, that we cannot be subjected to this kind of heresy and harassment by our own colleagues.

I see in the gallery the co-founder of the "Bad Lunch Caucus," the Secretary of State. I'm sure that he would join me, along with the other members of the "Bad Lunch Caucus," in saying that ACR 21 must die. Thank you.

I'm embarrassed. I'd like to rescind my earlier opposition. I didn't see on page 2, in the third "Whereas," that this has been endorsed by the Coors Brewing Company, so I will declare my unbridled support of ACR 21. Thank you.

Resolution adopted.

Assemblyman Nolan moved that all rules be suspended and that Assembly Concurrent Resolution No. 21 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Nolan moved that the Assembly recess subject to the call of the Chair for the purpose of a fitness presentation.

Motion carried.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 33.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 33.

Assemblyman Nolan moved the adoption of the resolution.

Remarks by Assemblyman Nolan.

Resolution adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 34.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 34.

Assemblywoman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Humke, Price, Hickey, Ernaut, Chowning, Lambert, Giunchigliani, Hettrick, Anderson, Carpenter, Marvel and Dini.

Assemblyman Hettrick requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN EVANS:

I am delighted to have at my desk this morning one of those "old" timers, emphasis on the "old." I first came to the Nevada Legislature in 1981 as sort of a gofer for then-Senator Sue Wagner. It was the now-landmark legislation for domestic violence, the first bill that provided

funding for the fledgling programs in the state. There were, you might say, two-and-a-half programs at that time. There are now 14 programs in the state. Although we, over the years, have passed numerous pieces of legislation on domestic violence and are still doing so, I think all of us who care so deeply about that particular issue will always have the greatest respect and deepest gratitude for Sue Wagner's leadership on that very important measure.

If you look at Sue's record, you will see that it is eclectic. She chaired Judiciary, as many of you know. Her bills cover every type of subject matter: gaming regulation; the environment; ethics; prisons—you name a subject in the Nevada Revised Statutes and you're going to find lots of bills with Sue's name on them.

It said in the resolution that Sue was chosen as National Republican Legislator of the Year. Some of us thought that that was perhaps a misnomer; we thought maybe it should be National Democratic Legislator of the Year because of her ever-present sense of balance and her nonpartisan way of conducting herself and her legislation, which I think is an example for each of us.

We are particularly honored to have Sue back with us as head of the legislative intern program. It had, I would say, fallen into somewhat of a state of disrepair. Early on when Professor Driggs did the program, it was quite well managed and successfully done. When he retired, it sort of evaporated. In the last two years, we've seen a remarkable turnaround, and I would submit that it is because of Sue's leadership. Everybody is really thrilled at the work you've done on that, Sue.

Sue Wagner was recently appointed to a very prestigious post on the Gaming Commission here in Nevada by Governor Miller, and I think she will add a great deal of knowledge and depth to that commission. Her titles have been assemblywoman, senator, lieutenant governor, and now commissioner; Sue, we await your next title.

ASSEMBLYMAN HUMKE:

I'd be remiss if I didn't rise to lend my support to SCR 34 and to commend my former senator from Washoe County. What I recall most of her service in this body—and I'm very happy to say that I did serve with her—was her indomitable spirit, which was demonstrated in many, many ways. When she was the Senate Judiciary chairman, Sue proved that she was just as tough as anyone else in this body when she stood toe-to-toe with some of the major industries and interests in this state and never backed down. She has gotten a little wayward since leaving the legislature, really gotten off track—in her forays into the executive branch—but that can happen to the best of them. It's okay, Sue.

Sue serves as a tremendous role model for all women and girls in this state. Thank you for your service.

ASSEMBLYMAN PRICE:

I'm a little bit emotional. I rise in strong support for SCR 34. I cannot convey to this body the respect, admiration, and, while I don't want to start any rumors, affection, that I have for Sue Wagner. I remember so well, even in my fuddled memory, the first time that I recognized and learned who Sue was. In 1975, she was maybe in this seat here. I, for many years, sat back in the very back of the room. We were in the 1975 session. It would be hard for any of the youngsters here to know this, but in those days, there were no campaign reform laws. You went out and raised money as you could, spent it and there were no reports or anything else. One day this lady came walking around getting everybody to sign on some bill. She came to my desk and wanted me to sign on a campaign reform bill, and my thought was, "Campaign reform, is she nuts?" She went on her way, and I turned to the legislator next to me—you will remember, Lloyd Mann—and I said, "Who is that woman?"

As time has moved on and I watched Sue's career progress, I have had nothing but great respect for her. Sue Wagner serves as an example as a legislator and as a leader in this state, not only to women and girls, but to all who have observed her—men, women, all Nevadans and anyone else who is interested. I am so pleased that we are recognizing your hard work, Sue.

ASSEMBLYMAN HICKEY:

I, too, rise in support of this resolution. As a former legislative intern myself, I'm honored that Sue Wagner has taken over the reigns, and frankly, somewhat relieved that she wasn't there when I was an intern. I think this resolution is especially noteworthy because, as was stated, it comes near the reception that many of us are attending today as this legislative session nears an end.

ASSEMBLYMAN ERNAUT:

It is a special privilege for me today to be able to stand in support of SCR 34 for my good friend and former Lieutenant Governor Sue Wagner. I think all of us, especially from northern Nevada, know of some of the trials and tribulations that Sue Wagner has endured in her life. To me, she is somebody who exemplifies grit and determination and everything that is right in a public official. She is always happy. She is stubborn. She stands up for what she believes in, and above all, she is probably one of the most honest people I've ever met in my life.

Sue served as a role model and mentor to me and many other people in this body and showed us that there wasn't always a blueprint of how to be a Republican, that there was moderation and there was compromise and there wasn't always a need to dig your heels in for an extreme view.

My father told me something when I first came into this body that has stuck with me. It's something that I think Sue Wagner exemplifies more than any public official that I've ever met. He said, "Leadership is not doing what is popular, but doing what is right and making it popular." Thank you.

ASSEMBLYWOMAN CHOWNING:

I, too, rise in support of SCR 34. It is a privilege for me to stand here and give tribute to a strong presence and role model such as Sue Wagner. I have watched her with great respect. I've learned—I can't tell you how much—from her service. The personal trials that Sue has gone through would have broken many people, but instead of looking at things as problems, Sue looks at them as challenges. She bursts through, breaks down the wall and carries on. What a wonderful tribute it is for our young people that Sue is choosing to continue to be a teacher and role model, and we want to say thank you.

ASSEMBLYWOMAN LAMBERT:

I rise in support of SCR 34. We've all said that Sue is a role model. Well, I can testify from personal experience that she certainly made a difference. When I first ran for office in 1984, it was more unusual to see women running for office. The reputation that she had, the hard work that she performed in this body, made it easier for a lot of us to run. I heard comments when I went door-to-door, "We'll give you a chance. There's another woman in that Legislature that's doing an outstanding job." I have to publicly thank her for that, and I certainly appreciate it.

I think the interns in the intern program have a unique opportunity. They are very fortunate, because when Sue does something, the only way she knows how to do it is at least 150 percent of her effort. They are getting a phenomenal amount of experience and enthusiasm along with a very strong sense of ethics to lead them in that program. I think they realize they are very fortunate, and we certainly realize they are.

Finally, I'd like to pay to Sue what I feel is the ultimate compliment: she is a lady who makes a difference.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I, too, rise in support of SCR 34. I think it's unfortunate, though, that we had to share this day in honoring Sue Wagner with the likes of a marathon race and exercise and energy demonstration. However, I think to some extent maybe that epitomizes Sue's natural energy and the fact that she is a marathon distance runner in her own right.

People have mentioned the intern program, and I think that it has always been very, very special. But when I first decided to get into the area of politics, my mentor at that time was Eileen Brookman. Eileen shared many stories of working with a fellow peer, both in these halls as well as down the hall. Sometimes we forget that as women, we can be tough, and yes, Mr. Ernaut, we can have grit, but that we also have to prove the difference between assertiveness and aggressiveness. I think Sue has been able to do that. She is a woman who

has been able to handle a great deal with grace under much fire. For that, I would like to say thank you as well.

ASSEMBLYMAN HETTRICK:

I obviously rise in support of SCR 34. At a time when so many people who are involved in politics are looked at negatively and the image of people involved in this profession always seems to be one that is denigrated, I think this lady exemplifies what all of us should strive to be and strive to portray—the highest standard of ethics, no question at all of honesty and forthrightness, someone who exhibits every character trait that every one of us should strive to have. I think this lady exemplifies these qualities, so I am proud to rise in support of SCR 34.

ASSEMBLYMAN ANDERSON:

I, also, wish to rise in support of SCR 34. As a schoolteacher, I would feel remiss not to say thank you to Sue Wagner for all the time and caring that she has shown to the children of our state for what she did as a member of this Chamber and of the other Chamber.

When I arrived here in 1991, I was somewhat disappointed to realize the limited involvement that members of the Assembly have with the Lieutenant governor of the state meant that I would very rarely, if ever, see Lieutenant governor Wagner other than as she came down the hall. And, of course, 1991 was a very difficult year for her. In the 1993 session, I received a note one day asking me to come to the Lieutenant governor's office to discuss a license plate bill. Now license plates, of course, have come to be my trademark. I was somewhat curious that the Lieutenant governor would want to have any discussions about license plates; however, she was clearly concerned about a fundraising opportunity for the University System—an opportunity to put out a Wolf Pack license plate and a UNLV license plate. After having a lengthy discussion with Sue over lunch—I had brown bagged that day, and she, of course, had done a similar kind of operation—she looked at me and said, "I can't believe that we're spending this much time with this kind of a little tiny piece of legislation." I responded, of course, "Absolutely, Lieutenant Governor. We'll get this taken care of right away."

This lady is the kind of legislator that all of us hope to be, the kind of person who has the dedication and grit to serve in our state and a model for all of us. It is a pleasure to see her here in our Chamber and to recognize her for her great accomplishments for our state.

ASSEMBLYMAN CARPENTER:

I, too, rise in support of SCR 34. I just want to congratulate Sue and thank her for all of the wonderful work that she has done for the citizens of this great state, and especially for rural Nevada.

ASSEMBLYMAN MARVEL:

Thank you, Sue, for being you. You certainly have been an example to all politicians in the State of Nevada, and you've done your part in trying to dispel the odium that sometimes comes with being a politician. I think this is a most fitting resolution in your honor. Again, thank you for being you, Sue.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With your permission, I would be remiss if I didn't take the opportunity to speak from the rostrum. Sue and I have been friends since 1973, when she came to the Assembly. In 1977, my first term as Speaker, there were 35 Democrats and five Republicans, and Sue used to hold the minority caucus in the phone booth. Since then, it's changed a little bit.

We've worked together on a lot of legislation. We are very close personal friends; our tragedies and our happiness have all come together. As a personal friend, I want to commend you, Sue, and I hope you do well as a member of the Nevada Gaming Commission. And when I come before you, please treat me nicely.

Resolution adopted.

Assemblywoman Evans moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 12:24 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 430—An Act making a supplemental appropriation to the Division of Child and Family Services of the Department of Human Resources for retroactive payments to employees of the Teaching Parent Relief Program of the Southern Nevada Child and Adolescent Services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 431—An Act making a supplemental appropriation from the state highway fund to the Department of Motor Vehicles and Public Safety for postage charges that were incurred but underbilled during fiscal year 1996; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 432—An Act making an appropriation to the State Public Works Board to expedite Capital Improvement Project 97-C19; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 433—An Act making a supplemental appropriation to the Division of Child and Family Services of the Department of Human

Resources for unanticipated shortfalls in revenue for the Youth Community Services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 434—An Act making a supplemental appropriation from the state highway fund to the Administrative Services Division of the Department of Motor Vehicles and Public Safety for unanticipated operating expenses; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 435—An Act making an appropriation for a risk assessment and workload study of the Division of Parole and Probation of the Department of Motor Vehicles and Public Safety; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 436—An Act relating to water; requiring the Southern Nevada Water Authority to establish a program for the management of the ground water in the Las Vegas Valley Ground Water Basin; authorizing the Southern Nevada Water Authority to assess fees to fund certain activities related to the program; providing for the preparation of certain reports relating to the program; creating an advisory committee and defining its duties; requiring the submission of biennial reports to the legislature; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 437—An Act relating to the secretary of state; requiring the refund of a fee paid to file a document if the document is not processed in a timely manner; creating petty cash accounts; authorizing the payment of fees by credit card; repealing the revolving account for the office of the secretary of state; eliminating the duty of the secretary of state to maintain

custody of the deeds and conveyances of the state; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 438—An Act relating to juveniles; revising the provisions relating to the jurisdiction of juvenile courts; revising the provisions relating to the certification of certain juveniles for criminal proceedings as adults; providing for certain proceedings for certain juveniles who escape or attempt to escape from detention facilities; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Sandoval, Anderson, Ohrenschall, Nolan, Herrera, Carpenter, Perkins, Segerblom, Berman, Collins, Koivisto, Gustavson, Chowning, Freeman, Hickey and Evans:

Assembly Bill No. 439—An Act relating to the protection of children; authorizing the release of confidential data or information concerning the abuse or neglect of a child to the division of parole and probation of the department of motor vehicles and public safety under certain circumstances; requiring that the data or information be included in a presentence report to the district court; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 440—An Act relating to nursing assistants; excluding certain personal care assistants from the definition of a "nursing assistant"; revising provisions governing the certification of nursing assistants; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Gustavson, Hickey, Mortenson, Hettrick, Lee, Nolan, Amodei, Braunlin, Carpenter, Marvel, Von Tobel and Tiffany:

Assembly Bill No. 441—An Act relating to governmental administration; designating English as the official language of the State of Nevada; requiring

certain proceedings, records and publications of this state to be in English; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 220.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. If a candidate, political party, committee sponsored by a political party or committee for political action requests or compensates a person to:*

(a) Conduct or cause to be conducted a persuasive poll by telephone concerning a candidate; or

(b) Produce automated or computerized messages by telephone to conduct a persuasive poll concerning a candidate,

the person conducting the poll shall, at the end of the poll, disclose the name and telephone number of the candidate, political party, committee sponsored by a political party or committee for political action that requested or compensated the person for the poll.

2. As used in this section, "persuasive poll" means the canvassing of persons, by means other than an established method of scientific sampling, by asking questions or offering information concerning a candidate which is designed to provide information that is negative or derogatory about the candidate or his family. The term does not include a poll that is conducted only to measure the public's opinion about or reaction to an issue, fact or theme.

Sec. 3. *If it appears to a county clerk, city clerk or registrar of voters that the provisions of section 2 of this act have been violated, he shall report the alleged violation, in writing, to the secretary of state. Upon receiving such a written report or if it otherwise appears to the secretary of state that the provisions of section 2 of this act have been violated, the secretary of state shall report the alleged violation to the attorney general. The attorney general shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.*

Sec. 4. *Any person who knowingly violates the provisions of section 2 of this act is liable, in addition to any other penalty or remedy that may be provided by law, to a civil penalty of not more than $5,000 for each offense, which may be recovered by civil action on complaint of the attorney general. All money collected as civil penalties pursuant to the provisions of this section must be deposited in the state general fund.*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 114.

Bill read second time.

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

Amendment No. 86.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 616B.463 is hereby amended to read as follows:

616B.463 *1.* Before a private carrier may provide industrial insurance pursuant to chapters 616A to 617, inclusive, of NRS, the private carrier must be authorized by the commissioner pursuant to chapter 680A of NRS and maintain such security of the kind described in NRS 680A.120 and 680A.140 as may be required.

2. A private carrier shall not provide industrial insurance pursuant to chapters 616A to 617, inclusive, of NRS as an unauthorized insurer pursuant to subsection 9 of NRS 680A.070.

Sec. 3. NRS 680A.070 is hereby amended to read as follows:

680A.070 A certificate of authority is not required of an insurer with respect to any of the following:

1. Investigation, settlement or litigation of claims under its policies lawfully written in this state, or liquidation of assets and liabilities of the insurer, other than collection of new premiums, all as resulting from its former authorized operations in this state.

2. Except as *otherwise* provided in subsection 2 of NRS 680A.060, transactions thereunder after issuance of a policy covering only subjects of insurance that are not resident, located or expressly to be performed in this state at the time of issuance, and lawfully solicited, written and delivered outside this state.

3. Prosecution or defense of suits at law, except that no insurer unlawfully transacting insurance in this state without a certificate of authority may institute or maintain, other than defend, any action at law or in equity in any court of this state, either directly or through an assignee or successor in

interest, to enforce any right, claim or demand arising out of such an insurance transaction until the insurer, assignee or successor has obtained a certificate of authority. This provision does not apply to any suit or action by the receiver, rehabilitator or liquidator of such an insurer, assignee or successor under laws similar to those contained in chapter 696B of NRS.

4. Transactions pursuant to surplus lines coverages lawfully written under chapter 685A of NRS.

5. A suit, action or proceeding for the enforcement or defense of its rights relative to its investments in this state.

6. Reinsurance, except as to a domestic reinsurer or the reinsurance of a domestic insurer, unless the reinsurance is authorized pursuant to subsection 1 of NRS 681A.110.

7. Transactions in this state involving group life insurance, group health or blanket health insurance, or group annuities where the master policy or contract of such groups was lawfully solicited, issued and delivered pursuant to the laws of a state in which the insurer was authorized to transact insurance, to a group organized for purposes other than the procurement of insurance or to a group approved pursuant to NRS 688B.030 or 689B.026, and where the policyholder is domiciled or otherwise has a bona fide situs.

8. The issuance of annuities by an affiliate of an authorized insurer if the affiliate:

(a) Is approved by the commissioner;

(b) Is organized as a nonprofit educational corporation;

(c) Issues annuities only to nonprofit institutions of education and research; and

(d) Reports and pays any premium tax on the annuities required pursuant to chapter 680B of NRS.

9. Transactions *, other than for workers' compensation insurance or for industrial insurance provided pursuant to chapters 616A to 617, inclusive, of NRS,* involving the procurement of excess liability insurance above underlying liability coverage or self-insured retention of at least $25,000,000, if procured from an unauthorized alien or foreign insurer who does not solicit, negotiate or enter into such transactions in this state by any means, and if procured by a person:

(a) Whose total annual premiums for property and casualty insurance *, not including workers' compensation or industrial insurance,* is $1,000,000 or more; and

(b) Who employs 250 or more full-time employees.

A person who procures insurance in accordance with this subsection shall report and pay any premium tax on the insurance required pursuant to NRS 680B.040.".

Amend the title of the bill, third line, after "industrial insurance;" by inserting: "clarifying that unauthorized insurers are prohibited from providing industrial insurance in this state;".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 115.

Bill read second time.

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

Amendment No. 247.

Amend the bill as a whole by deleting sections 1 and 2 and adding a new section designated section 1 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. NRS 618.275 is hereby repealed.

TEXT OF REPEALED SECTION

618.275 Seal of division.

The division shall have a seal upon which must be the words "Division of Enforcement for Industrial Safety and Health," by which seal it shall authenticate its proceedings and orders.

All papers executed under the seal must be admitted in evidence without further authentication or proof.".

Amend the title of the bill by deleting the second line and inserting: "industry; repealing the requirement that the division must have a seal to authenticate its proceedings and orders; and providing".

Amend the summary of the bill to read as follows: "Summary—Repeals requirement that division of industrial relations of department of business and industry must have seal to authenticate its proceedings and orders. (BDR 53-415)".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Assemblywoman Krenzer moved that Assembly Bill No. 115 be re-referred to the Committee on Labor and Management.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Labor and Management.

Assembly Bill No. 214.

Bill read second time.

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

Amendment No. 252.

Amend section 1, page 1, line 2, by deleting "and 3" and inserting: "to 5, inclusive,".

Amend the bill as a whole by deleting sections 2 through 4, renumbering section 5 as section 7, and adding new sections designated sections 2 through 6, following section 1, to read as follows:

"Sec. 2. *1. Except as otherwise provided in this subsection, a governmental entity may charge a fee for providing a copy of a public record. Such a fee must not exceed the actual cost to the governmental entity to provide the copy of the public record unless a specific statute or regulation sets a fee that the governmental entity must charge for the copy. A governmental entity shall not charge a fee for providing a copy of a public record if a specific statute or regulation requires the governmental entity to provide the copy without charge.*

2. A governmental entity may waive all or a portion of a charge or fee for a copy of a public record if the governmental entity:

(a) Adopts a written policy to waive all or a portion of a charge or fee for a copy of a public record; and

(b) Posts, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice that states the terms of the policy.

3. A governmental entity shall prepare and maintain a list of the fees that it charges at each office in which the governmental entity provides copies of public records. A governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states:

(a) The fee that the governmental entity charges to provide a copy of a public record; or

(b) The location at which a list of each fee that the governmental entity charges to provide a copy of a public record may be obtained.

Sec. 3. *1. Except as otherwise provided in section 4 of this act regarding information provided from a geographic information system, if a request for a copy of a public record would require a governmental entity to make extraordinary use of its personnel or technological resources, the governmental entity may, in addition to any other fee authorized pursuant to this chapter, charge a fee for such extraordinary use. Upon receiving such a request, the governmental entity shall inform the requester of the amount of the fee before preparing the requested information. The fee charged by the governmental entity must be reasonable and must be based on the cost that*

the governmental entity actually incurs for the extraordinary use of its personnel or technological resources. The governmental entity shall not charge such a fee if the governmental entity is not required to make extraordinary use of its personnel or technological resources to fulfill additional requests for the same information.

2. As used in this section, "technological resources" means any information, information system or information service acquired, developed, operated, maintained or otherwise used by a governmental entity.

Sec. 4. *1. A fee for the provision of information from a geographic information system may include, in addition to the actual cost of the medium in which the information is provided, the reasonable costs related to:*

(a) The gathering and entry of data into the system;

(b) Maintenance and updating of the database of the system;

(c) Hardware;

(d) Software;

(e) Quality control; and

(f) Consultation with personnel of the governmental entity.

2. As used in this section, "geographic information system" means a system of hardware, software and data files on which spatially oriented geographical information is digitally collected, stored, managed, manipulated, analyzed and displayed.

Sec. 5. *1. If a person requests a copy of a transcript of an administrative proceeding that has been transcribed by a certified court reporter, a governmental entity shall charge, in addition to the actual cost of the medium in which the copy of the transcript is provided, a fee for each page provided which is equal in amount to the fee per page charged by the court reporter for the copy of the transcript, as set forth in the contract between the governmental entity and the court reporter. For each page provided, the governmental entity shall remit to the court reporter who transcribed the proceeding an amount equal to the fee per page set forth in the contract between the governmental entity and the court reporter.*

2. The governmental entity shall post in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states that, in addition to the actual cost of the medium in which the copy of the transcript is provided, the fee charged for a copy of each page of the transcript is the fee per page set forth in the contract between the governmental entity and the court reporter.

Sec. 6. NRS 239.005 is hereby amended to read as follows:

239.005 As used in this chapter [:] , *unless the context otherwise requires:*

1. *"Actual cost" means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity*

incurs regardless of whether or not a person requests a copy of a particular public record.

2. "Committee" means the committee to approve schedules for the retention and disposition of official state records . [; and

2.] *3.* "Division" means the division of state library and archives of the department of museums, library and arts.

4. "Governmental entity" means:

(a) An elected or appointed officer of this state or of a political subdivision of this state;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this state or of a political subdivision of this state;

(c) A university foundation, as defined in NRS 396.405; or

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools.".

Amend sec. 5, page 2, by deleting lines 32 and 33 and inserting:

"239.010 1. All public books and public records of a [public agency, a university foundation or an educational foundation,] *governmental entity,* the contents of which are".

Amend sec. 5, page 2, by deleting lines 39 and 40 and inserting: "or may be used in any other way to the advantage of the [public agency, university foundation or educational foundation] *governmental entity* or of the general public. This".

Amend sec. 5, page 3, line 1, by deleting "public agency" and inserting: "[public agency] *governmental entity*".

Amend sec. 5, page 3, line 5, by deleting "*public agency*" and inserting "*governmental entity*".

Amend the bill as a whole by renumbering sections 6 through 8 as sections 9 through 11 and adding a new section designated sec. 8, following sec. 5, to read as follows:

"Sec. 8. NRS 239.011 is hereby amended to read as follows:

239.011 If a request for inspection or copying of a public book or record open to inspection and copying is denied, the requester may apply to the district court in the county in which the book or record is located for an order permitting him to inspect or copy it. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, he is entitled to recover his costs and reasonable attorney's fees in the proceeding from the [agency] *governmental entity* whose officer has custody of the book or record.".

Amend sec. 6, page 3, line 27, by deleting "public agencies" and inserting "governmental entities".

Amend sec. 8, page 4, line 1, by deleting "7," and inserting "10,".

Amend the title of the bill to read as follows: "An Act relating to public records; limiting the amount of a fee that a governmental entity may charge for providing a copy of a public record in certain circumstances; authorizing a governmental entity to charge an additional fee or waive a fee for a copy of a public record in certain circumstances; requiring a governmental entity to post a notice or make available a list of the fees it charges to provide a copy of a public record; requiring a governmental entity to provide a copy of a public record in the medium requested; establishing a study to determine the effect of certain provisions of this act on governmental entities; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 280.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 226.

Amend the bill as a whole by deleting sections 1 through 34 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. NRS 200.366 is hereby amended to read as follows:

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

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

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

(1) For life without the possibility of parole;

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

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

(b) If no substantial bodily harm to the victim results:

(1) By imprisonment in the state prison for life, with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) By imprisonment in the state prison for a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

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

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

(1) Life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(2) [For a] *A* definite term of not less than 5 years nor more than 20 years, without the possibility of parole.

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

Sec. 2. NRS 200.508 is hereby amended to read as follows:

200.508 1. A person who:

(a) Willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect; or

(b) Is responsible for the safety or welfare of a child and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect,

is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for an act or omission which brings about the abuse, neglect or danger.

2. A person who violates any provision of subsection 1, if substantial bodily or mental harm results to the child [,] :

(a) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) In all other such cases to which paragraph (a) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state

prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

3. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in NRS 432B.070, 432B.090, 432B.100, 432B.110, 432B.140 and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his normal range of performance or behavior.

Sec. 3. NRS 200.750 is hereby amended to read as follows:

200.750 [Each] *A* person punishable pursuant to NRS 200.710 or 200.720 shall be punished for a category A felony [:

1. By] *by* imprisonment in the state prison:

1. If the minor is 14 years of age or older:

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

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

2. By]

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

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

Sec. 4. NRS 201.195 is hereby amended to read as follows:

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

(a) If the minor actually engaged in such acts as a result [,] *and:*

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

(2) The minor was 14 years of age or older, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

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

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

(2) For any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person convicted of violating any of the provisions of subsection 1 may not be:

(a) Paroled unless a board consisting of:

(1) The administrator of the mental hygiene and mental retardation division of the department of human resources or his designee;

(2) The director of the department of prisons or his designee; and

(3) A psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

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

Sec. 5. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of a category [B] *A* felony and shall be punished by imprisonment in the state prison for [a minimum term of not less than 2 years and a maximum term of not more than] *life with the possibility of parole, with eligibility for parole beginning when a minimum of* 10 years [,] *has been served,* and may be further punished by a fine of not more than $10,000.

2. A person convicted of violating any of the provisions of subsection 1 must not be:

(a) Paroled unless a board consisting of:

(1) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(2) The director of the department of prisons; and

(3) A psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this paragraph, the administrator and the director may each designate a person to represent him on the board.

(b) Released on probation unless a psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

Sec. 6. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. As a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 2 against a child under the age of 14 years the board shall:

(a) Require the parolee to participate in psychological counseling;

(b) Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present; and

(c) Prohibit the parolee from being on or near the grounds of a public or private school.

2. The provisions of subsection 1 apply to a prisoner who was convicted of:

(a) Sexual assault pursuant to paragraph (c) of subsection 3 of NRS 200.366;

(b) Abuse or neglect of a child pursuant to paragraph (a) of subsection 2 of NRS 200.508;

(c) An offense punishable pursuant to subsection 2 of NRS 200.750;

(d) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 201.195;

(e) Lewdness with a child pursuant to NRS 201.230; or

(f) Any combination of the crimes listed in paragraphs (a) to (e), inclusive.

Sec. 7. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 6 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

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

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 8. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. The provisions of this act do not apply to offenses that are committed before October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to crimes; increasing the penalty for certain sexual offenses committed against a child who is less than 14 years of age; requiring the state board of parole commissioners to impose certain conditions of parole on persons who commit such offenses; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Increases penalties for certain sexual offenses and creates mandatory conditions of parole for certain sex offenders. (BDR 15-1275)".

Assemblywoman Berman moved the adoption of the amendment.

Remarks by Assemblymen Berman and Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Judiciary.

Senate Bill No. 125.

Bill read second time.

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

Amendment No. 246.

Amend sec. 2, page 2, by deleting lines 30 and 31 and inserting:

"*(b) Receives compensation or remuneration based on sales to customers rather than for the number of hours that*".

Amend sec. 3, page 3, by deleting lines 16 and 17 and inserting:

"*(b) Receives compensation or remuneration based on sales to customers rather than for the number of hours that*".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 77.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 235.

Amend sec. 14, page 2, by deleting lines 40 through 42 and inserting:

"*3. For each day or portion of a day necessarily spent on the business of the advisory council, each member is entitled to receive:*

(a) Compensation, to be fixed by regulation of the state board of agriculture, which must not exceed $80 per day; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally".

Amend the bill as a whole by renumbering sections 18 and 19 as sections 19 and 20 and adding a new section designated sec. 18, following sec. 17, to read as follows:

"Sec. 18. 1. There is hereby appropriated from the state general fund to the division of agriculture of the department of business and industry the sum of $10,000 for payment of compensation, per diem allowances and travel expenses of the advisory council for organic agricultural products.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill, second line, after "penalty;" by inserting: "making an appropriation;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 66.

The following Senate amendment was read:

Amendment No. 167.

Amend sec. 3, page 2, by deleting lines 22 through 27 and inserting: "disposition of the official state records of each agency, board and commission which is required to develop those schedules pursuant to NRS 239.080.".

Amend sec. 5, page 3, lines 20 and 21, by deleting "[advice] *approval*" and inserting "advice".

Amend the title of the bill by deleting the third and fourth lines and inserting: "requiring the committee to advise local governmental entities regarding the retention and disposition of official records of local".

Amend the summary of the bill to read as follows: "Summary—Makes various changes regarding committee to approve schedules for retention and disposition of official state records. (BDR 19-454)".

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 66.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Yeamans, Wayne Colwell, Kayla Colwell, Caryl Sabatini, John Sabatini, Trevor Horner, Brady Diamond, Tyler Stafford, Matt Kinsinger, Peter McDonald, Natasha Devol, Brenda Berganza, Cassie Diaz, Brett Saunders, Sean Dunlap, Danny Kennedy, Scott Chapin, Dane Bay, Chris Lattie, Sherri Foley, Leigh O'Connor, Sarah Smith, Nicole Kurnik, Lindsey Harr, Shawna White, Crystal Glenn, Matt Feron, Brandon Henning, Michael Lipkowitz, Steven Cabanting, Timothy Lydon, Ian Robinson, Taylor Coffin, Jeremiah Jones, Whitney Dibble, Stephanie Goodrich, Meagan MacKay, Lindsay Heims, Peter Mangum, Geoff Trigero, John Cribari, Nick Stamos, Dimitri Duke, Steven Biase, Shane Krogh, Christopher McCain, Frank Robertson, Jameson Adams, Aminiaska Schaefer, Stephanie Roberts, Christin Uccelli, Caley Murray, Michael Toland, Jordan Gregory, Chanse Dennis, Josh Neville, Erik Hertel, Aaron LaFountaine, Michael Damonte, Sarah Hutsey, Steve Zink, Todd Curtis, David Kirn, Kain Hale, Jr., James Rhoades, Matthew Serratore, Danny Handlin, Patrick Pearl, Matthew Pape, Kristen Fike, Courtney Mackey, Bailey Simantel, Andy Holt, Justin Larkin, Josh Totten, Jennee Harris, Mary Fugate, Amanda Whitten, Bart Johnston, Blake Garner, Jackson Buch, Dugan Clark, Scott Hansen, Garett Grow, Evan Rider, Jennifer Roeder, Holly Stoeberl, Rachael Brownwell, Amber Duquette, Daryl Gasca, Kristi Fletcher, Mallory Campbell, Jeniffer Sanford, Bill Chronister, Sherri Foley, Fran McGregor and Joyce Tyre.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Michele Choron, Kim Barranco, Donalin Lev, Ray Finnegan, Mike Doyle, Bill Tellez, Steve Main, Jeff Johnson, Steve Clinefelter, Rich Sandstock, Jim Rowley and Cindy McEwan.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Vadasy.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, May 1, 1997 at 10:45 a.m.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 1, 1997

Assembly called to order at 10:54 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Buckley, who was excused.

Prayer by Assemblyman Goldwater.

Let us pray. Religion is many things to many people. It is the face of a child. It is an unexpected act of kindness or courage. It is a smile on a dog. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 21.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 240.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 109, 192, 245, 246.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 442—An Act relating to the department of motor vehicles and public safety; authorizing the director of the department to appoint agents to assist in carrying out certain duties of the department; limiting the compensation of those agents; eliminating the fee for changing the address on a driver's license; making various changes relating to identification cards; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 443—An Act relating to the department of motor vehicles and public safety; requiring that drivers' licenses and identification cards issued by the department contain a unique number that is not based on the social security number of the licensee or card holder; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 444—An Act relating to taxicabs; revising the maximum period that a vehicle may be used as a taxicab; revising the maximum allowable mileage on a vehicle that is acquired for use as a taxicab; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 445—An Act relating to construction; repealing the provisions governing the disbursement of money for construction; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 446—An Act relating to state financial administration; authorizing a temporary advance from the state general fund for the Nevada

equal rights commission; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 447—An Act relating to state financial administration; extending the prospective reversion date for the appropriation previously made for perinatal care; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Evans, Dini, Marvel, Arberry, Hettrick, Koivisto, Perkins, Carpenter, Lambert, Amodei, Hickey, Cegavske, Collins and Manendo:

Assembly Bill No. 448—An Act relating to state financial administration; extending the prospective date for the reversion of certain previously appropriated money; making an appropriation to the Department of Business and Industry for the operating expenses of a program to provide small businesses with access to financing not otherwise available; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 109.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 192.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 240.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 245.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 246.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Joint Resolution No. 5 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 38 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 195 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Ohrenschall moved that Assembly Bill No. 48 be taken from the Chief Clerk's desk and re-referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 195.

Bill read third time.

The following amendment was proposed by Assemblywoman Ohrenschall:

Amendment No. 266.

Amend section 1, page 2, by deleting lines 3 through 13 and inserting: "by [registered or] certified mail.".

Amend section 1, page 2, line 41, by deleting "served" and inserting "[served] *sent*".

Amend section 1, pages 2 and 3, by deleting lines 42 through 44 on page 2 and lines 1 through 4 on page 3, and inserting: "subsection 1. *In addition, if the recreational vehicle or mobile home is located in a mobile home park designated for older persons pursuant to federal law, the vehicle or home*

may not be sold unless a copy of the demand is sent, at the same time and in the same manner as it is sent pursuant to subsection 1, to the specialist for the rights of elderly persons in the aging services division of the department of human resources.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

Upon receiving a copy of a demand from a landlord pursuant to subsection 4 of NRS 108.315, the specialist for the rights of elderly persons shall:

1. Contact the tenant or subtenant of the recreational vehicle or mobile home and determine whether the tenant or subtenant has any money with which to pay the delinquent rent or rent and utilities;

2. Determine whether there are any available sources of money to the tenant or subtenant that may be used to pay the delinquent rent or rent and utilities; and

3. Provide advice and assistance to the tenant or subtenant concerning the delinquent rent or rent and utilities.".

Assemblywoman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblywoman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 38.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 38:

YEAS — 41.

NAYS — None.

Excused — Buckley.

Senate Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 224.

Amend section 1, page 2, between lines 13 and 14, by inserting:

"*(c) A statement which informs the applicant that, pursuant to NRS 485.185, he is legally required to maintain insurance during the period in which the motor vehicle is registered.*".

Assemblywoman Chowning moved the adoption of the amendment.
Remarks by Assemblywoman Chowning.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 240.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 264.
Amend section 1, page 1, by deleting lines 11 through 15 and inserting: "*in subsection 1 unless the board determines that the prisoner has willfully failed to make restitution to the victim of the crime and the prisoner has the ability to make restitution.*".
Amend sec. 2, page 2, by deleting lines 35 through 39 and inserting: "*subsection 1 unless the court determines that the person has willfully failed to make restitution to the victim of the crime and the person has the ability to make restitution.*".
Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 271.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 265.
Amend section 1, page 2, line 28, by deleting "*$3,000.*" and inserting "*$4,500.*".
Amend sec. 2, page 4, line 14, by deleting "*$3,000*" and inserting "*$4,500*".
Amend sec. 3, page 6, line 43, by deleting "*$3,000.*" and inserting "*$4,500.*".
Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 316.
Bill read second time and ordered to third reading.

Senate Bill No. 65.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 49, 51, 52, 106, 130, 202, 230; Assembly Joint Resolution No. 4; Assembly Concurrent Resolution No. 20.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Evan Filler and Nikki Filler.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Marie Worden.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Miller, Marjorie Clark, Paul Smith, Dylan Aguirre, James Anderson, Brandon Carter, Elizabeth Davis, Glenn Deweese, Aaron Gibson, Heather Golgart, Mark Hamm, Brett Heyer, Victor Iglesias, Jessica Kunc, Ashley Mariluch, Anthony Martinez, Steven Molina, Hardik Patel, Douglas Petersen, Enid Picart, Tenia Torres, Brandon Twyeffort, Alexandria Walls, Amanda Airrington, Bridget Baker, Ryan Blaco, Tauni Bradley, Gregory Bryant, Cory Canfield, Kerra Curley, Jordan Fitts, Andrea Johns, Amanda King, Joseph Leal, Amanda Macaluso, Sara McAbel, Heather Metz, Austin Miller, Dean Roberts, Thomas Schriber, Jeffrey Shelffo, Veronica Vides, Jannet Wence, Karla Zermeno, Edgar Aguilera, Mat Beckman, Jason Capurro, Sean Davies, Justin Dendary, Alex Garcia, Debbie Hosler, Amy Ierulli, Michelle Keele, Danielle Leff, Sarah Lightfoot, Karen Lima, Evelyn Miller, Robert Oksenholt, Colleen Osborne, Bret Painter, Shane Pearman, Megan Piper, Zach Tavcar, Ashley Ulibarri, Paul Smith, Jim Anderson, Ellen Tavcar, Betty Davis, John Beckman, Sam Wesley and Chad Williams.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 2, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:28 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 2, 1997

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblywoman Berman.

God, for tomorrow and its needs, I do not pray, but keep me, guide me, hold me, God, just for today. Out of this, we pray, will come a zeal to serve, a tongue that is under control, a peace that nothing can destroy, and a compassion for the lost and less fortunate. We ask Thy continued guidance and wisdom in all matters that come before us. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 357, 367; Senate Bills Nos. 28, 164, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 191, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hickey, Anderson, Chowning, Von Tobel, Cegavske, Amodei, Collins, Braunlin, Berman, Gustavson, Parks, Ohrenschall, Evans, Bache, Williams, Lee, Hettrick, Mortenson, Sandoval, Humke, Carpenter and Tiffany:

Assembly Bill No. 449—An Act relating to license plates; removing the requirement that a license plate be attached to the front of a motor vehicle; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Transportation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 5.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Humke.

Roll call on Assembly Bill No. 5:

YEAS — 42.

NAYS — None.

Assembly Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 77:

YEAS — 42.

NAYS — None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 114:

YEAS — 42.

NAYS — None.

Assembly Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 214:

YEAS — 42.

NAYS — None.

Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 316.

Bill read third time.

Remarks by Assemblymen Tiffany, Collins and Anderson.

Assemblyman Anderson moved that Assembly Bill No. 316 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 315 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 65.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Senate Bill No. 65:

YEAS — 42.

NAYS — None.

Senate Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 125:

YEAS — 42.

NAYS — None.

Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini, Neighbors, Ohrenschall, Herrera, Perkins, Goldwater, Arberry, Segerblom, Lee, Manendo, Bache, Parks, Mortenson, Price, Koivisto, Freeman, Collins, Williams, de Braga, Chowning, Marvel, Close, Amodei, Cegavske, Sandoval, Braunlin, Carpenter, Humke, Hickey, Nolan, Krenzer, Giunchigliani and Anderson:

Assembly Bill No. 450—An Act relating to time; exempting the State of Nevada from the provisions of federal law requiring daylight saving time; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblywoman Lambert moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Manendo, Chowning, Segerblom, Bache, Ohrenschall, Freeman, Price, Herrera, Neighbors, Amodei, Von Tobel, Hickey, Williams, Sandoval, Buckley, Berman, Nolan, Koivisto, Gustavson, Collins, Anderson, Lambert, Cegavske, Goldwater, de Braga, Marvel, Dini, Krenzer, Mortenson, Lee, Braunlin, Parks, Evans, Close, Giunchigliani, Arberry, Humke and Tiffany:

Assembly Bill No. 451—An Act relating to motor vehicles; providing for the issuance of special license plates for the support of community partnership schools; imposing a fee for the issuance or renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 452—An Act relating to state lands; providing a definition of "trust lands" for the purpose of selling certain state lands; authorizing payments from the state permanent school fund for certain unlocated land warrants; repealing certain obsolete provisions; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 271.

Amend the bill as a whole by deleting sections 1 through 7, and the leadlines of repealed sections and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

"Section 1. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. For each stock passenger car and each reconstructed or specially constructed passenger car, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.

3. For each transfer of registration a fee of $6 in addition to any other fees.

4. [Except as otherwise provided in NRS 485.317, to] *To* reinstate the registration of a motor vehicle suspended pursuant to [that section:] *NRS 485.317:*

(a) A fee of $250 for a registered owner who failed to have insurance on the date specified in the form for verification that was mailed by the department pursuant to subsection 2 of NRS 485.317; or

(b) A fee of $50 for a registered owner who [had] *failed to have* insurance on the date specified in the form for verification that was mailed by the department pursuant to subsection 2 of NRS 485.317, but [failed to return the form within the time specified in that subsection,] *is able to prove to the satisfaction of the department that his vehicle is a dormant vehicle for which*

the policy of liability insurance was canceled in accordance with subsection 3 of NRS 485.320 during the period in which the information provided pursuant to NRS 485.314 indicated there was no insurance for the vehicle, both of which must be deposited in the account for verification of insurance which is hereby created in the state highway fund. Money in the account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

5. For every travel trailer, a fee for registration of $27.

6. For every permit for the operation of a golf cart, an annual fee of $10.

Sec. 2. Chapter 485 of NRS is hereby amended by adding thereto a new section to read as follows:

"Dormant vehicle" means a motor vehicle:

1. For which a policy of liability insurance is required pursuant to this chapter; and

2. That will not be operated for an extended period because of mechanical or seasonal circumstances.

Sec. 3. NRS 485.020 is hereby amended to read as follows:

485.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 485.028 to 485.120, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 4. NRS 485.313 is hereby amended to read as follows:

485.313 *1.* The department shall create a system for verifying that the owners of motor vehicles maintain the insurance required by NRS 485.185.

2. As used in this section, "motor vehicle" does not include:

(a) A golf cart, as that term is defined in NRS 482.044.

(b) A motortruck, truck tractor, bus or other vehicle that is registered pursuant to paragraph (e) of subsection 1 of NRS 482.482 or NRS 706.801 to 706.861, inclusive.

Sec. 5. NRS 485.314 is hereby amended to read as follows:

485.314 1. On or before the 15th calendar day of each month, each insurer that has executed a contract of insurance for a motor vehicle liability policy which may be used to meet the requirements of NRS 485.185 shall provide the department with a record of each such policy [in effect] *amended* or terminated in the previous month on the date the record is provided. The record must include:

(a) The name [and identification number] of each insured named in the policy of insurance;

(b) The make, year and vehicle identification number of each motor vehicle included in the policy of insurance;

(c) The number, effective date and expiration date of the policy of insurance; and

(d) Any other information required by the department.

2. The record provided pursuant to subsection 1 must be submitted in a form approved by the department and may include, without limitation, magnetic tape or any other electronic medium deemed acceptable by the department.

3. The department shall notify the commissioner of insurance if an insurer:

(a) Fails to comply with subsection 1 or 2; or

(b) In complying with subsection 1 or 2, provides to the department information that is false, incomplete or misleading.

Sec. 6. NRS 485.317 is hereby amended to read as follows:

485.317 1. The department shall, at least monthly, compare the current registrations of motor vehicles to the information in the data base created pursuant to NRS 485.313 to verify that [all owners of registered motor vehicles have maintained the] *each motor vehicle:*

(a) Which is newly registered in this state; or

(b) For which a policy of liability insurance has been amended or terminated, is covered by a policy of liability insurance *as* required by NRS 485.185. *In identifying a motor vehicle for verification pursuant to this subsection, the department shall, if the motor vehicle was manufactured during or after 1981, use only the vehicle identification number, in whole or in part.*

2. The department shall [mail] *send* a form for verification *by first-class mail* to each registered owner that it determines has not maintained the insurance required by NRS 485.185. The owner shall complete the form with all the information which is requested by the department, including whether he carries an owner's or operator's policy of liability insurance or a certificate of self-insurance, and return the completed form within [10] *20* days after the date on which the form was mailed by the department. *If the department does not receive the completed form within 20 days after it mailed the form to the owner, the department shall send to the owner a second form for verification by certified mail. The owner shall complete the form and return it to the department within 15 days after the date on which it was sent by the department. This subsection does not prohibit an authorized agent of the owner from providing to the department:*

(a) The information requested by the department pursuant to this subsection.

(b) Additional information to amend or correct information already submitted to the department pursuant to this subsection.

3. When the department receives a completed form for verification it shall verify the information on the form.

4. The department shall suspend the registration [of the vehicle] and require the return to the department of the license plates of any vehicle for which [a form for verification is:

(a) Not] *:*

(a) Neither of the forms for verification set forth in subsection 2 is returned to the department by the registered owner [within 10 days;

(b) Returned] *or his authorized agent within the period specified in that subsection;*

(b) Either of the forms for verification set forth in subsection 2 is returned to the department by the registered owner *or his authorized agent* and the department is not able to verify the information on the form; or

(c) [Returned] *Either of the forms for verification set forth in subsection 2 is returned* by the registered owner *or his authorized agent* with an admission of *having* no insurance or without indicating an insurer or the number of a motor vehicle liability policy or a certificate of self-insurance.

5. If [an owner who did not return a completed] *the department suspends a registration pursuant to subsection 4 because:*

(a) Neither the owner nor his authorized agent returned a form for verification within the specified period [:

(a)] *or the owner or his registered agent returned a form for verification that was not completed sufficiently, and the owner or his authorized agent, thereafter:*

(1) Proves to the satisfaction of the department that there was a justifiable cause for his failure to do so;

[(b)] *(2)* Submits a completed form regarding his insurance on the date stated in the form mailed by the department pursuant to subsection 2; and

[(c)] *(3)* Presents evidence of current insurance [,] *; or*

(b) The owner or his authorized agent submitted to the department a form for verification containing information that the department was unable to verify and, thereafter, the owner or his authorized agent presents to the department:

(1) A corrected form or otherwise verifiable evidence setting forth that the owner possessed insurance on the date stated in the form; and

(2) Evidence of current insurance,

the department shall rescind its suspension of the registration if it is able to verify the information on the form [.] *or the other evidence presented. The department shall not charge a fee to reinstate a registration, the suspension of which was rescinded pursuant to this subsection.* For the purposes of this subsection, "justifiable cause" may include *, but is not limited to,* the fact that the owner did not receive the form mailed by the department pursuant to subsection 2.

6. Except as otherwise provided in subsection 7, if a registered owner whose registration is suspended pursuant to subsection 4, failed to have insurance on the date specified in the form for verification, the department shall reinstate the registration of the vehicle and reissue the license plates only upon filing by the registered owner of evidence of current insurance and

payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection 4 of NRS 482.480.

7. If a registered owner:

(a) Proves to the satisfaction of the department that his vehicle [was not used in this state for a 30-day period, including the date on] *is a dormant vehicle for which the policy of liability insurance was canceled in accordance with subsection 3 of NRS 485.320 during the period in* which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle; [or

(b) Who did not return a completed form for verification within the period specified in subsection 2 subsequently proves to the satisfaction of the department that his vehicle was insured on the date stated in the form mailed by the department pursuant to subsection 2, presents to the department evidence of current insurance and pays] *and*

(b) Pays the fee for reinstatement of registration prescribed in paragraph (b) of subsection 4 of NRS 482.480,

the department shall reinstate his registration and reissue his license plates.

8. For the purposes of this section, a registered owner shall not be deemed to have failed to maintain liability insurance for a motor vehicle unless the vehicle is without coverage for a period of more than 7 days.

Sec. 7. NRS 485.320 is hereby amended to read as follows:

485.320 1. If the license of any person is suspended as provided in this chapter, he shall immediately return the license to the division. If his registration is suspended, he shall immediately return the certificate of registration and the license plates to the division.

2. If any person fails to return any item as required by subsection 1, the division shall forthwith direct any peace officer to secure possession thereof and to return the item to the division.

3. A person who owns a dormant vehicle and cancels a policy of liability insurance covering that vehicle:

(a) Shall, on or before the date on which the policy is canceled:

(1) Cancel the registration for that vehicle; and

(2) Inform the division that the policy of liability insurance covering that vehicle has been canceled.

(b) May, if he presents the license plates for that vehicle to the authorized personnel of the division for the removal and destruction of the sticker or other device evidencing the current registration of the vehicle, retain for potential reinstatement the license plates for a period not to exceed 6 months.

Sec. 8. NRS 680A.080 is hereby amended to read as follows:

680A.080 To qualify for and hold authority to transact insurance in this state, an insurer must be otherwise in compliance with this code and with its charter powers, and must be an incorporated stock or mutual insurer, or a

reciprocal insurer, of the same general type as may be formed as a domestic insurer under this code, except that:

1. No foreign insurer [shall] *may* be authorized to transact insurance in this state which does not maintain reserves as required by chapter 681B of NRS (assets and liabilities), as applicable to the kind or kinds of insurance transacted by such insurer, wherever transacted in the United States of America, or which transacts business anywhere in the United States of America on the assessment plan, or stipulated premium plan, or any similar plan.

2. No insurer [shall] *may* be authorized to transact a kind of insurance in this state unless duly authorized or qualified to transact such insurance in the state or country of its domicile.

3. No insurer [shall] *may* be authorized to transact in this state any kind of insurance which is not within the definitions as set forth in NRS 681A.010 to 681A.080, inclusive (kinds of insurance).

4. No such authority [shall] *may* be granted or continued to any insurer while in arrears to the state for fees, licenses, taxes, assessments, fines or penalties accrued on business previously transacted in this state.

In addition to the other requirements set forth in this section, an insurer who proposes to transact in this state insurance that protects a policyholder from liability arising out of the ownership, maintenance or use of a motor vehicle must demonstrate to the satisfaction of the department of motor vehicles and public safety that the insurer is able to comply with the provisions of NRS 485.314.

Sec. 9. 1. The department of motor vehicles and public safety shall establish and carry out a program to refund the fee collected pursuant to paragraph (b) of subsection 4 of NRS 482.480 to each person who:

(a) According to the records of the department, paid such a fee during the period commencing on October 1, 1995, and expiring on the date on which this act becomes effective; and

(b) Requests such a refund by submitting to the department, on or before July 1, 1998, a signed statement in which the person asserts that:

(1) He did not receive the form for verification mailed to him pursuant to subsection 2 of NRS 485.317 or he returned the form for verification as required pursuant to subsection 2 of NRS 485.317; and

(2) The particular motor vehicle was covered by insurance as required pursuant to NRS 485.185.

2. The department shall not issue such a refund if the statement is postmarked after July 1, 1998.

Sec. 10. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows: "An Act relating to the financial responsibility of owners of motor vehicles; making various changes regarding provisions governing the system of verification of compliance;

requiring certain insurers to demonstrate their ability to comply with certain reporting requirements; directing the refund of certain fees collected; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "Temporarily repeals" and inserting: "Makes various changes to".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Carpenter, Giunchigliani and Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 248.

Amend sec. 2, page 2, by deleting lines 41 through 43 and inserting: "*dealer from a person pursuant to a written contract signed by the dealer and that person must not be withdrawn from the account except to pay specific expenses as authorized by the written contract.*".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 343.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 12.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Shelia Story, Nicki Aaker and Michele Hillman.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Rose.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 5, 1997 at 11 a.m., and that it do so in memory of Joe Buckley.

Motion carried.

Assembly adjourned at 12 noon.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 5, 1997

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Cegavske, who was excused.

Prayer by the Chaplain, The Reverend Bruce M. Henderson.

Wonderful Counselor, mighty God, eternal Father, Prince of peace. Yes, Prince of peace. We come to you on the day following holocaust remembrance day asking for understanding and tolerance and peace. While on this Cinco de Mayo, a victory is celebrated, it is peace that we greatly need. In these Chambers also we sometimes lose a handle on harmony, tolerance and love. Your writer was right when he penned, "How good and how pleasant it is when kindred dwell together in unity." As we begin our sixteenth week here, we ask for Your presence and for the unity You bring. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 115, 212.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 198, 218, 223, 260.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 115.

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

Motion carried.

Senate Bill No. 198.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 212.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 218.

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

Motion carried.

Senate Bill No. 223.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 260.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 126.

Bill read second time.

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

Amendment No. 268.

Amend sec. 3, page 2, line 35, after "3." by inserting "1.".

Amend sec. 3, page 2, between lines 37 and 38, by inserting:

"2. The amendatory provisions of this act do not apply to alter the boundaries of a library district for the purposes of taxes levied for the repayment, when due, of the principal of and interest on bonds, notes or other indebtedness issued before the effective date of this act.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Ohrenschall.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 126 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Ohrenschall moved that Assembly Bill No. 315 be taken from the General File and placed at the bottom of the General File.

Remarks by Assemblywoman Ohrenschall.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 343 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 357.

Bill read second time and ordered to third reading.

Assembly Bill No. 367.

Bill read second time and ordered to third reading.

Assembly Bill No. 374.

Bill read second time.

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

Amendment No. 260.

Amend sec. 6, page 4, by deleting lines 3 through 5 and inserting:

"Sec. 6. 1. This section and sections 2 and 3 of this act become effective on July 1, 1998.

2. Sections 1, 4 and 5 of this act become effective on July 1, 1999.".

Assemblyman Bache moved the adoption of the amendment.
Remarks by Assemblyman Bache.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 28.
Bill read second time and ordered to third reading.

Senate Bill No. 164.
Bill read second time and ordered to third reading.

Senate Bill No. 173.
Bill read second time and ordered to third reading.

Senate Bill No. 191.
Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 272, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 113.
Bill read third time.
Remarks by Assemblywoman Krenzer.
Roll call on Assembly Bill No. 113:
YEAS—41.
NAYS—None.
Excused—Cegavske.
Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 195.
Bill read third time.
Remarks by Assemblywoman Ohrenschall.
Roll call on Assembly Bill No. 195:
YEAS—41.
NAYS—None.
Excused—Cegavske.

Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 271:

YEAS—41.

NAYS—None.

Excused—Cegavske.

Assembly Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 66:

YEAS—41.

NAYS—None.

Excused—Cegavske.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 315.

Bill read third time.

The following amendment was proposed by Assemblywoman Ohrenschall:

Amendment No. 239.

Amend section 1, page 1, line 13, by deleting "restitution," and inserting: "restitution [,] *or any other order of a court for the payment of a sum of money,*".

Amend the title of the bill, second line, after "discharge;" by inserting: "requiring such a probationer to remain liable for any unpaid sum of money ordered by a court;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning dishonorable discharge from probation.".

Assemblywoman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblymen Ohrenschall, Perkins, Bache and Arberry.

Assemblyman Arberry moved that Assembly Bill No. 315 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 21; Senate Bill No. 106; Senate Joint Resolution No. 8; Senate Concurrent Resolutions Nos. 30, 31.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Berry, Ben Adler, Jessie Badger, Anthony Bass, Jill Birba, Crystal Brown, Allan Chavarria, Deborah Duffy, Jenny Edwards, Ernesto Espino, Kelsey Green, Monique Harrill, Kiersten Johnson, Sal Kinder, Victoria Lombardo, Fabricia Maldonado, Ashley Mather, Stephany Seeley, C. J. Smith, Mark Sulezich, Kasse Weikel, Lucas Whitson, Allie Williams, Joel Wortman, Angelina Hahne, Adrian Munoz, Andrew Kapczynski, Kristine Ayers, Johnathan Summers, Mrs. Lutz and Mrs. Badger.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Messler.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Collord and Leta Collord.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Tebeau Piquet.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Williams, John Holloway, Martin Troutt and Ray Salisbury.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Lu Weaver, Judith McKay, Mike McKay, Doris Franks, Bob Franks and Barbara Neddenriep.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Montague, Jacob Wharton, Amanda Reid, Caitie Perry, Tegan Fraser, David Kim, Amanda Wright, Stephanie Puente, Athena Llamas, Hayley Kirkham, Ashley Patterson, Allison Granville, Russell Mandell, Chris Mortendi, Fan Wu, Daniel Berner, Troy Millick, Mrs. Ray, Felicia Marx, Ryan Cristando, Johnathan Drayton, Trevor Stacy, Tyley Jackins, Steven Whiggs, Richard

Cough, Kassie Dickinson, Jillian Voelker, April Hernandez, Jessica Navarro, Tonia Higginbotham and Mrs. Dickinson.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanne Herman.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Liz Arnold, Alvin Cook and Rhonda Cook.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Kozak.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, May 6, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 6, 1997

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce M. Henderson.

"Rejoice in the Lord always, and again I say rejoice." That's what it says Lord, but how can we? There's controversy here. There are hard issues to resolve. Please help us! Please give us Your spirit of joy with which to handle all these things. We pray in the Name of our Lord who brings joy and love and peace. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 90, 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 67, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 81, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 9, 34, 58, 80, 87, 162.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 14.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 14.

Assemblyman Perkins moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 36 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Neighbors:

Assembly Bill No. 453—An Act relating to education; revising the provisions governing the adjustment of apportionments from the distributive school account to compensate for delinquent taxes on certain property; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Humke, Close, Lee, Mortenson, Parks, Amodei, Neighbors, Segerblom, Marvel, Hettrick, Herrera and Carpenter:

Assembly Bill No. 454—An Act relating to municipal obligations; requiring the approval of voters at a general municipal election or general election for the issuance of certain general obligation bonds; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Humke, Evans, Lambert, Hettrick, Von Tobel, Gustavson, Segerblom, Collins, Parks, Herrera, Koivisto, Lee, Manendo, Giunchigliani, Anderson, Buckley, Marvel, Williams, Goldwater, Braunlin, Close, Mortenson, Neighbors, Tiffany, Amodei, Bache, Chowning, Arberry, Carpenter and Sandoval:

Assembly Bill No. 455—An Act relating to regional transportation commissions; revising provisions governing the notice required before a regional transportation commission makes any decision regarding the placement of a new road within its jurisdiction; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 456—An Act relating to traffic laws; providing an additional penalty for a violation of a speed limit in an area designated as a zone for construction, maintenance or repair of a highway; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 457—An Act relating to crimes; authorizing a justice of the peace and a municipal judge to impose certain conditions on a person who is released on a suspended sentence or residential confinement; authorizing a justice of the peace and a municipal judge to issue a warrant for the arrest of a person who has violated a condition of his suspended sentence or residential confinement; providing that certain persons within a department of alternative sentencing have the powers of peace officers; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 458—An Act relating to search warrants; authorizing a magistrate to order certain affidavits and recordings of oral statements concerning search warrants to be sealed; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 459—An Act relating to the public service commission of Nevada; limiting under certain circumstances its access to certain records regarding employees of public utilities, motor carriers and brokers; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblywoman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 277.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 278.

Amend sec. 10, page 4, between lines 28 and 29 by inserting:

"*3. The council shall, on or before January 31 of each year, submit a report of its activities and progress to the director of the legislative counsel bureau for transmission to the legislature, or if the legislature is not in session, for transmission to the legislative commission.*".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 408.

Bill read second time and ordered to third reading.

Senate Bill No. 272.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 460—An Act relating to labor; requiring the department of employment, training and rehabilitation and the department of human resources to enter into an interlocal agreement to provide job placement services to employers and recipients of benefits provided pursuant to the program to provide temporary assistance for needy families; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 297.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 297:

YEAS—40.

NAYS—Ernaut, Hettrick—2.

Assembly Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 357.

Bill read third time.

Remarks by Assemblymen Lambert and Segerblom.

Roll call on Assembly Bill No. 357:

YEAS—42.

NAYS—None.

Assembly Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 367.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 367:

YEAS—42.

NAYS—None.

Assembly Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 28.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Senate Bill No. 28:

YEAS—42.

NAYS—None.

Senate Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 164:

YEAS—42.

NAYS—None.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 173.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 173:

YEAS—42.

NAYS—None.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 191.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Senate Bill No. 191:

YEAS—42.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Giunchigliani requested that Assemblywoman Cegavske's remarks be entered in the Journal.

On May 2, 1997, Mrs. Teri Cram, wife of Superintendent Brian Cram of the Clark County School District, passed away. Monday, she was laid to rest.

As today is Teacher Appreciation Day, I thought it would be fitting to recognize Teri for the outstanding teacher that she was. I had the privilege of being her room parent for several years, and I also had both of my children in her third-grade classroom. Her compassion and her love of teaching accounted for the success of her students. Teri was known for her hugs. The young men who, in the beginning of the year, would try to run by her or to just shake her hand because they didn't want to be hugged, by the end of the year went to her asking for a hug.

I do believe that a teacher makes a difference in your life, and Teri made a difference in my children's lives and mine, as an adult. Without objection, Mr. Speaker, I would request that we adjourn today in memory of Teri Cram. Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Neilon.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Coplin.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Darrell Rudolph.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Zelda Puryear-Williams.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, May 7, 1997 at 11 a.m., and that it do so in memory of Teri Cram.

Motion carried.

Assembly adjourned at 11:54 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 7, 1997

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce M. Henderson.

O Lord, it must be springtime. Birds are singing, flowers are blooming, grass is greening and yesterday I got sprayed by a lawn sprinkler! It must be springtime. May the same joy, warmth and renewed vitality be found in us, too. We pray in the Name of our Lord who gives life. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 361; Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 294, 313.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 253.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 66 and requests a conference, and appointed Senators O'Donnell, Porter and Schneider as a first Committee on Conference to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Hickey and Lee as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 66.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 461—An Act relating to education; creating a committee to study the funding of higher education; providing for its organization, powers and duties; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Buckley, Goldwater, Perkins, Giunchigliani, Herrera, Williams, Manendo, Freeman, Amodei, Lee, Koivisto, Braunlin, Lambert, Bache, Hettrick, Ernaut, Collins, Chowning, Mortenson, Sandoval, Krenzer, Price, Cegavske, Evans, Hickey, Tiffany, Segerblom, Marvel, Neighbors, de Braga, Berman, Arberry and Anderson:

Assembly Bill No. 462—An Act relating to gaming; providing in skeleton form for a credit against certain gaming fees for gaming licensees who develop affordable housing; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 253.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 294.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 313.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 282.

Amend section 1, page 1, by deleting lines 10 through 13 and inserting: "*(e) The type of coverage provided;*

(f) The amount of the initial, highest and last reserves of an insurer for each claim before final resolution of the claim by settlement or trial;".

Amend section 1, page 2, line 1, after "*2.*" by inserting: "*The commissioner shall submit with his report to the legislature required pursuant to NRS 679B.410, a summary of the information collected pursuant to this section.*

3.".

Amend the title of the bill, second line, by deleting "and maintain" and inserting: ", maintain and report to the legislature".

Amend the summary of the bill, first line, by deleting "and maintain" and inserting: ", maintain and report to legislature".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 171.

Bill read second time.

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

Amendment No. 299.

Amend section 1, page 1, by deleting lines 9 through 11 and inserting:

"*(c) A state policy, interpretation or finding of general applicability that an agency applies to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.*".

Amend section 1, pages 1 and 2, by deleting line 17 on page 1 and line 1 on page 2 and inserting:

"[4.] *(d) A manual of policies and procedures, or a manual of audit procedures, of an agency which is used solely to train or provide guidance to employees of the agency and which is not used as authority in a contested*

case to determine whether a person is in compliance with any federal or state statute or regulation;

(e) An agency decision or finding in a contested case; [or

5.] *(f) An advisory opinion issued by an agency that is not of general applicability;*

(g) An interpretation of an agency that has specific statutory authority to issue interpretations;

(h) Letters of approval, concurrence or disapproval issued in relation to a permit for a specific project or activity; or

(i) A regulation concerning the use of public roads or facilities which".

Amend sec. 2, page 2, line 3, by deleting "1997." and inserting: "1997, for the purpose of adopting regulations to comply with the amendatory provisions of subsection 1 of this act and on January 1, 1998, for all other purposes.".

Amend the title of the bill to read as follows: "An Act relating to administrative procedure; revising the definition of "regulation" for purposes of the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises definition of "regulation" for purposes of Nevada Administrative Procedure Act. (BDR 18-446)".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 270.

Amend section 1, page 1, line 2, by deleting "and 3" and inserting: ", 3 and 4".

Amend sec. 3, page 2, by deleting lines 10 through 13 and inserting: "*agency to ensure compliance with:*

1. The federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659; and

2. The state safety regulations for rail fixed guideway systems adopted pursuant to section 4 of this act.".

Amend the bill as a whole by renumbering sections 4 through 8 as sections 5 through 9 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. *The department of transportation shall adopt regulations to:*

1. Establish state safety standards for rail fixed guideway systems in addition to the federal standards set forth in 49 C.F.R. Part 659.

2. Carry out its duties pursuant to section 3 of this act.".

Amend sec. 5, page 4, line 13, after "*maintain*" by inserting: ", *or any combination thereof,*".

Amend sec. 5, page 4, line 41, after "*maintain*" by inserting: ", *or any combination thereof,*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning and Parks.

Conflict of interest declared by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 81.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 301.

Amend section 1, page 1, by deleting line 7 and inserting:

"2. A district attorney *or a peace officer* shall [give] *serve* reasonable notice [to] *upon* a".

Amend section 1, page 1, line 12, after "*5*" by inserting "*judicial* ".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to grand jury proceedings; making various changes concerning notice that must be given to a person whose indictment is being considered by a grand jury; and".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning notice to person whose indictment is being considered by grand jury. (BDR 14-662)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 90.

Bill read second time and ordered to third reading.

Senate Bill No. 153.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Joint Resolution No. 5 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 315 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Hettrick moved that Assembly Bill No. 374 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 67.

Bill read third time.

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

Amendment No. 300.

Amend section 1, page 1, line 15, by deleting "[$4] *5*" and inserting "4".

Amend section 1, page 2, line 24, by deleting "*10*" and inserting "*15*".

Amend section 1, page 2, line 28, by deleting "[3] *5*" and inserting "3".

Amend section 1, page 2, line 31, by deleting "[12] *15*" and inserting "12".

Amend section 1, page 2, line 37, by deleting "[1] 2" and inserting "1".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 408.

Bill read third time.

Remarks by Assemblymen Bache, Lambert, Evans, Von Tobel, Humke, Collins and Price.

Potential conflicts of interest declared by Assemblymen Anderson, Arberry, Bache, Giunchigliani, Koivisto, Lambert, Neighbors, Parks, Perkins, Segerblom, Von Tobel and Williams.

Roll call on Assembly Bill No. 408:

YEAS — 42.

NAYS — None.

Assembly Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 272.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 272:

YEAS — 42.

NAYS — None.

Senate Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 304.

Amend the resolution, page 4, between lines 37 and 38, by inserting:

"And be it further

RESOLVED, That the explanation prepared pursuant to NRS 218.443 for this constitutional amendment must include a statement that, if the qualified electors of this state approve the constitutional amendment proposed by this resolution, legislators would then be entitled to receive, during each regular, annual session, compensation for each calendar day of service up to a maximum of 60 calendar days.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 315.

Bill read third time.

The following amendment was proposed by Assemblywoman Ohrenschall:

Amendment No. 239.

Amend section 1, page 1, line 13, by deleting "restitution," and inserting: "restitution [,] *or any other order of a court for the payment of a sum of money,*".

Amend the title of the bill, second line, after "discharge;" by inserting: "requiring such a probationer to remain liable for any unpaid sum of money ordered by a court;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning dishonorable discharge from probation.".

Assemblywoman Ohrenschall moved to withdraw the amendment.

Remarks by Assemblymen Ohrenschall and Carpenter.

Motion carried.

Roll call on Assembly Bill No. 315:

YEAS — 41.

NAYS — Carpenter.

Assembly Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 191, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was re-referred Assembly Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Transportation.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 205 be re-referred to the Committee on Transportation.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN KRENZER:

It is a pleasure for me to introduce today, Dr. Bernard Feldman. Dr. Feldman is the past chairman of the Governor's Advisory Board on Maternal and Child Health. He is currently the president and vice chair of the Department of Pediatrics at the University of Nevada School of Medicine, the chair of the Nevada State Board of Health and the president of the Clark County Medical Society.

Dr. Feldman was the first neonatologist in the State of Nevada, and for 20 years, he was the director and pioneer of the Neonatal Center at Sunrise Hospital. He has saved the lives of many, many preemies and single-handedly developed a program that continues today. He is a great humanitarian and my hero. Please make Dr. Feldman feel welcome.

ASSEMBLYMAN NOLAN:

I would also like to mention something about our guest with Ms. Krenzer today. Not many people know that Dr. Feldman was one of the professionals who worked at Bethesda Naval Hospital at the time that John F. Kennedy and Jacqueline Kennedy's first child was born prematurely and rushed to that hospital. He was one of the experts who were sought to come in and treat that child's illnesses. Unfortunately, the Kennedys' first child expired, but as a result of that, Dr. Feldman helped pioneer the use of surfactant, which now saves many children's lives in those same circumstances. We are very fortunate in this state to have somebody of his caliber amongst us and working on our own premature children. Thank you, Dr. Feldman, for all that you've done for the children of this state.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 65; Senate Concurrent Resolutions Nos. 33, 34.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Sanada.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Jerilyn Underwood.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Jean VanPeborgh.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Irene Chachas, Lee Ann Parker, Hiedi Baker, Christi Brunson, Catherine Chachas, Angie Laird, Mindy Bowen, Dianne Wagers, Cindy Rowly, Carolyn Gardner, Karen Steed, Amber Cardwell, Erica Willis, Amber Anderson, Joyce Jewett, Samantha Jewett, Joette Eldridge, Natasha Leavitt, Amy Herrann, Katie Gianoli, Krista Marques, Karla Hansen, Dana Goerge, Rachel Perkins, Krystle Carney, Rene Hanser, Darcy Johner, Carol Allen, Roxanne Allen, April Peterson, Taylor McStay, Eileen Davis, Natasha Ramsey, Amy Calderwood, Beth Davis, Kelly Neven, Melisa Jacobsen, Brandy Gergen, Mari Nakashima, Gorgina Pankey, Cortney Rosevear, Bruce Hendrix, Trina Youngblood, Michelle Liverani, Pamela Fair, Kim Jirak, Melody Hunting, Kairee Miller, Fred Baca, Maria Trowbridge, Tia Danner, Amanda Ramseth, Sarah Brewer, Amber Robinson, Melissa Baca, Caroline Hilton, Jeff Hoff, Mich O'Conner, Eric Loghry, Kurtis Rycovich, K. C. Seely, Garrett Stokes, Jim Dalton, Michael Nelson, Travis Johnson, Kris Costello, Mason Danner, Nate Hall, Rocky Eskey, Tracy Goodrich, Taylor Goodrich, Terrence Mike, Jeremy Mundwiller, Kyle Edmo, Joey Winsor, Ronnie Walker, Scott Shakespear, Danial Pay, Ron Martin, Mike Orillo, Tony Owens, Matt

Makinen, Kris Pooley, Colleen Goff, Elliot Hume, Tim Robertson, Justin Zappe, Marko Palczewski, Michael Davis, Jr. Muniz, Gene McNutt, Adam McNutt, Clay McDaniel, John Haskins, Chris Jones, D. M. Vasquez, Johathan Romero, Debbie Fairman, Jonathan Fairman, Geoff McLaughlin, Eric Pay, Coy Munson, Derek Boudreauz, Andrew Gilson, Larry Manning, Jacob Manning, Thomas Gubler, Chris Bullock, Casey Norcross, Corie Goff, Rory MacLeod, Donna Gubler, Jeremy McDonough, Andy Overson, John Ogden, Jimmy Robinson, Aaron Robison, Nancy Dunn, Nathan Dunn, Rober Reed, Brian Wagers, Jamin Hansen, Nathan Robertson, Kelley Tolbert, Nancie Provost, Tony Provost, Eric Corona, Blake Moulton, Joseph Gonzales, Adam Schoofs, Matt Aquirre and Mark Dolezal.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Vivian Pickett Mouryne, Dini, Alice Downer, Lorraine Frolich, Edie Grub, Velda Kennedy, Deborah Klara, Marion Miles, Mary Sequin and Ada Sequin.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Spees, Patty Glenn, Carolyn Ehrler, Meri Gaston, Peggy Winner, Lisa Emerson, Mary Jean Van Peborgh, Sandy Masters, Clare Britton, Elinor Lindberg, Lois Orr, Dee Olson, Mary Jarler, Sue Dale, Gail van den Berg, Joann McQuerry, Joanne McAteer, Mary Du Bois, Ann Conway, Carey Conway, Lorri Waldman and Lorraine Jackson.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Vivian Roth, Barbara Frederick, Jean O'Connor, Anne Eastman, Ide May Neahood, Lorraine Glover, Norm Glover, Annette Sprecker, Janet Zintek, Margaret Branson, Robert Curtis, LaVerne Burmeister, Dorothy Goetz, Jack Goetz, Diane Dure, Gloria Castillo, Dorothy Button, Mel Clarke and Gloria Clarke.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Thelma Bosowski and Joyce Maddeford.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Rose Marie Price and LaVonne Frost.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Bernard Feldman.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Estrada.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Knight.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Traci Haman, Teri Rowan Kennedy, Kathie Selleck, Dave Selleck, Gayle Turner, Stevee Tegano, Xan Brosseau, Phil Bracken, Laura Bracken, Joann Beroldi, Martha Edwards, Christy Guedry, Father Bede, Rene Arceneaux, Ricky Guedry, Randall Welton, Matt Brosseau, Matt Selleck, Chris Haman, Matt Edwards, Rennie Teich, Mary Kolesar, Maggie Kolesar, Brittany Bennett, Leslie Bracken, Amber Wolfram, Vincent Tegano, Jesse Sherrod, Marc Sayre, Greg Puliz, Cole Burger, Stephanie Warpinski, Megan Ramos, Melanie Marks, Nicole Clapham, Maria Gomez, Christina Cornwell, Katie Sennes, Kristen Kennedy, Lauren Ayers, Antonia Barrett, Michelle Turner, Andrea Haag, Chiara Tanno, Tarah Callahan and Rachel Sparks.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Stacie Wilke and Janet Shepler.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Efrain Arciniega, Crystal Armstrong, Juan Basurto, Dayna Byram, Esmeralda Cartagena, Ross Collins, Jose Garcia, Courtney Hennessey, Carlos Lopez, Liezl Magan, Angelica Martinez, Elizabeth Morgan-Beesley, Matthew Moutray, Elsa Navarro, Jayson Robbins, Tracy Rodriguez, Kirstie Sapuay, Megan Soltani, Jalal Zakholy, April Aguilera, Russell Alejandria, Brianna Canfield, Michael Currie, Heather Davis, Ma Del Garcia, Dustin King, Christian Lahman, Kristina Mueller, Amanda Nolte, Leticia Ramirez, Marlene Rivera, Ivan Segoviano, Nathan Tester, Mariah Thomas, China Tillotson, Ashley Webb, Heather Woodford, Dominique Burrows, Michelle Carral, Carina Castillo, Donald Fells, Frances Franco, Celia Hernandez, Shajuanna Hodges, Erwin Lemus, Sean Madigan, Derrick Martinez, Lindsay McLaughlin, Francisco Oliden, Sandra Plascencia, Eddie Rivera, Angela Scroggins, Maria Solomon, Ashley Stone and Barbara Varga.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, May 8, 1997 at 10:45 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 8, 1997

Assembly called to order at 10:49 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce M. Henderson.

I read from both the Hebrew and Christian scriptures: "To everything there is a season and a time to every purpose under the heavens: A time to be born and a time to die; a time to plant and a time to pluck up that which is planted; a time to kill and a time to heal; a time to break down and a time to build up; a time to weep and a time to laugh; a time to mourn and a time to dance;" Ecclesiastes 3:1-4.

Father, today we are reminded of terrible things in the past—of death, of plucking up, of killing, of breaking down, of weeping and of mourning. We now pray for birth, planting, healing, building, laughing and dancing. Please hear us, O Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 362.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 264.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 131, 167.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 9, 66.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 463—An Act making an appropriation to the legislative fund; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 464—An Act making appropriations to Clark County for the expansion and operating expenses of the Spring Mountain Youth Camp; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 465—An Act relating to state financial administration; extending the prospective date for the reversion of certain previously appropriated money for the California-Nevada Super Speed Ground Transportation Commission; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Krenzer, Evans, Arberry, Hettrick, Manendo, Price, Cegavske, Sandoval, Mortenson, Collins, Chowning, Ernaut, Anderson, Lambert, Parks, Braunlin, Koivisto, Tiffany, Hickey, Lee, Carpenter, Goldwater, Herrera, Williams, Buckley, Neighbors, Giunchigliani, Von Tobel, Berman, Ohrenschall, Amodei, Perkins and Close:

Assembly Bill No. 466—An Act relating to industrial insurance; requiring that a test of an injured worker for the use of alcohol or a controlled substance be performed pursuant to national standards; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Krenzer, Evans, Arberry, Hettrick, Manendo, Price, Cegavske, Sandoval, Mortenson, Collins, Chowning, Ernaut, Anderson, Freeman, Lambert, Parks, Braunlin, Koivisto, Lee, Gustavson, Tiffany,

Hickey, Carpenter, Goldwater, Herrera, Williams, Buckley, Giunchigliani, Von Tobel, Berman, Ohrenschall, Amodei, Perkins and Close:

Assembly Bill No. 467—An Act relating to industrial insurance; requiring medical review of tests of injured workers for the use of alcohol or controlled substances; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Education:

Assembly Bill No. 468—An Act relating to the University and Community College System of Nevada; requiring that certain credits earned at a community college be accepted and applied toward the requirements for graduation at any branch of the University of Nevada; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Tiffany, Williams, Marvel, Close, Humke, Hickey, Carpenter, Segerblom, Neighbors, Berman, Buckley, Hettrick, Ernaut, Evans, Giunchigliani and Arberry:

Assembly Bill No. 469—An Act relating to education; requiring the department of education to establish a statewide automated system of information concerning pupils; requiring the boards of trustees of school districts to adopt programs for the statewide automated system of information concerning pupils; creating an advisory committee for the statewide automated system of information concerning pupils; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 131.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 167.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 264.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 308.

Amend sec. 2, page 1, by deleting lines 6 and 7 and inserting: "election to be held on November 7, 2000, and take office on January 1, 2001. The term of this judge expires on January 6, 2003.".

Amend sec. 4, page 1, line 11, by deleting: "January 4, 1999." and inserting: "January 1, 2001.".

Amend the title of the bill, first line, after "courts;" by inserting "prospectively".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 279.

Amend section 1, page 2, line 4, by deleting "*4*" and inserting "*5*".

Amend sec. 2, page 2, line 18, by deleting "3." and inserting "[3.] *4.*".

Amend sec. 2, page 2, line 22, by deleting "equal" and inserting "[equal] *equitable*".

Amend sec. 2, page 2, line 26, by deleting "equal" and inserting "[equal] *equitable*".

Amend sec. 2, page 3, after "3." by inserting: "*The program adopted by the state board must be designed to offer an equitable opportunity for all pupils to participate in the program, including, without limitation:*

(a) Male and female pupils;

(b) Pupils who are of diverse racial, ethnic and cultural backgrounds;

(c) Pupils whose primary language is not English;

(d) Pupils who have disabilities;

(e) Pupils who are gifted and talented;

(f) Pupils who are at high risk of dropping out of school; and

(g) Pupils who are disadvantaged, economically or otherwise.

4.".

Amend sec. 2, page 3, line 33, by deleting "4." and inserting "[4.] *5.*".

Amend sec. 2, page 3, line 35, by deleting "*3,*" and inserting "*4,*".

Amend sec. 2, page 3, line 37, by deleting "*5.*" and inserting "*6.*".

Amend sec. 2, page 3, line 41, by deleting "*6.*" and inserting "*7.*".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 292.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. NRS 532.220 is hereby amended to read as follows:

532.220 1. The channel [clearance,] *maintenance, restoration,* surveying and monumenting program is hereby established and must be administered by the state engineer.

2. This program is to aid local governments in this state in the [clearance,] *maintenance, restoration,* surveying and monumenting of navigable rivers.

3. Any incorporated city, county or other political subdivision of this state may apply to the state engineer for a grant under this program if:

(a) Federal money is not available for the proposed project;

(b) The incorporated city, county or other political subdivision requesting the money agrees to match the state grant equally with its money; and

(c) The amount requested does not exceed the balance available.

4. As used in this section, "navigable river" means a river or stream that is used, or is susceptible of being used, in its ordinary condition for trade or travel in the customary modes of trade or travel on rivers or streams.

Sec. 2. NRS 532.230 is hereby amended to read as follows:

532.230 1. The account for the channel [clearance,] *maintenance, restoration,* surveying and monumenting program is hereby created in the state general fund.

2. The money in the account must be administered by the state engineer and must be expended only to aid local governments in the manner provided in NRS 532.220.

3. If the balance in the account is below $25,000, the state engineer may request an allocation from the contingency fund pursuant to NRS 353.266, 353.268 and 353.269.

Sec. 3. There is hereby appropriated from the state general fund to the Division of Water Resources of the State Department of Conservation and Natural Resources the sum of $79,800 for repairs and improvements on the South Fork Dam.

Sec. 4. Any remaining balance of the appropriation made by section 3 of this act must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 5. There is hereby appropriated from the state general fund to the Division of Water Resources of the State Department of Conservation and Natural Resources the sum of $30,000 for the repair of the South Fork Dam south sluice gate.

Sec. 6. Any remaining balance of the appropriation made by section 5 of this act must not be committed for expenditure after the project has been completed, and reverts to the state general fund as soon as all payments of money committed have been made or by June 30, 1998, whichever occurs earlier.

Sec. 7. There is hereby appropriated from the state general fund to the account for the channel maintenance, restoration, surveying and monumenting program created pursuant to NRS 532.230 the sum of $50,000.

Sec. 8. This act becomes effective upon passage and approval or on June 30, 1997, whichever occurs earlier.".

Amend the title of the bill to read as follows: "An Act relating to water resources; renaming the channel clearance, surveying and monumenting program; making appropriations; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions regarding channel clearance, surveying and monumenting program and makes appropriations for repair, clearance and improvements of certain water resources and related facilities. (BDR 48-1437)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 361.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 10.

Resolution read second time and ordered to third reading.

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

Assembly in recess at 11:08 a.m.

ASSEMBLY IN SESSION

At 11:15 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Dini, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Ernaut, Evans, Freeman, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 22—Recognizing May 8 as the Day of Remembrance for Victims of the Holocaust and commending Irene Gut Opdyke for her bravery during those years.

WHEREAS, Two-thirds of the Jewish population of Europe were exterminated during World War II and countless other civilians were subjected to brutal anti-Semitic atrocities solely because they were members of a particular faith; and

WHEREAS, In this present time of racial and religious disharmony, it is particularly important to remember the Holocaust and its effects; and

WHEREAS, Few Europeans lived without terror during World War II, including Irene Gut Opdyke, an 18-year-old Polish nursing student of the Catholic faith who lived in Poland and witnessed the persecution and murder of Jews, while she herself was forced to endure vicious attacks, severe beatings and total humiliation at the hands of enemy soldiers; and

WHEREAS, Despite her fear, Irene Gut Opdyke willingly risked her own life to save at least 12 Jews by hiding them for 8 months in the basement of a German-occupied Ukrainian villa where she worked as a housekeeper for a Nazi officer; and

WHEREAS, Irene Gut Opdyke has earned international recognition through the Commission for the Designation of the Righteous and received from Yad Vashem, the most distinguished authority on the Holocaust in Israel, the Medal of Righteousness, an honor awarded to Gentiles who risked their lives to save Jews during the Holocaust; and

WHEREAS, Out of respect for and to ensure remembrance of those who suffered or were killed, Irene Gut Opdyke wrote *Into the Flames, The Life Story of a Righteous Gentile*, an eyewitness account of the Holocaust; and

WHEREAS, On May 8, our Nation's Capital will observe Yom Hashoah, a memorial day that commemorates the loss of 6 million Jews and countless others because of the Nazi war machine of World War II; and

WHEREAS, On this day, throughout the world, such remembrance ceremonies are held as a lasting tribute to those who perished, and in Israel, a country created as a haven for the survivors of the Holocaust, the entire nation pauses for 2 minutes to honor and remember those who were murdered; and

WHEREAS, Because the Holocaust stands as one of the worst acts of genocide the world has ever seen, deliberately and systematically attempting to destroy an ethnic, religious and cultural group, it must be remembered; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th Session of the Nevada Legislature do hereby recognize May 8 as Yom Hashoah, a Day of Remembrance for Victims of the Holocaust; and be it further

RESOLVED, That members of the Nevada Legislature honor and commend Irene Gut Opdyke for her bravery during the Holocaust and for her decision to record for posterity her experiences to enable others to know that one person can truly make a difference and to know the collective power of humanity to prevail against injustice; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Irene Gut Opdyke.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 22 be immediately transmitted to the Senate.

Motion carried unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing an address by Irene Gut Opdyke.

Assembly in recess at 11:20 a.m.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

As the resolution noted, in 1939, Irene Gut Opdyke was an 18-year-old nursing student in Radom, Poland, when Germany invaded. She fled to a Russian-occupied forest in the Ukraine, where she was raped and beaten by Russian soldiers. She was able to briefly reunite with her family in Radom, but while attending church there, she was captured by German soldiers and forced into labor at a German munitions factory.

"That was the first time I witnessed the persecution," she said, recalling the view from a second-story window at the factory. "I saw little children running, and soliders were just shooting them."

Eventually she was recruited by a German major, Eduard Rugemer, to serve as a housekeeper in the officers' compounds near the factory. She also saw a baby thrown in the air and shot like a bird.

The Germans occupied Tarnopol, where she befriended the 12 Jews she would later save. In July of 1943, she overheard Gestapo leaders talking about gutting the ghetto where her friends lived. Desperate, her friends asked Opdyke to hide them. A few days later, Rugemer luckily told her that they would be moving to a nearby villa.

Rumored to have been designed by Jewish architects, the villa featured a hiding space underneath its gazebo. Opdyke led her friends to the hiding place, their sanctuary for the next eight months. She endangered her life to protect the lives of Jews hunted down by the Nazis for destruction. Those she rescued were not of her religious faith, did not recite her catechisms

or believe in the doctrines and dogmas of her church. She suffered fear, humiliation, abuse, the threat of death for others, and not because they were parishioners and not even because they were Jews, but because they were human beings, men, women and children created in God's image. Irene is flesh and blood like ourselves, and like tens of thousands of Christian rescuers, part of the group of ordinary people who acted in extraordinary fashion during the hell of Auschwitz and thereby salvaged a spark of decency and hope out of the cremated ashes of the Holocaust.

Ladies and gentlemen, with your respect, I'd like to introduce Irene Gut Opdyke and she would like to make a few comments.

IRENE GUT OPDYKE:

Honored members of the Legislature. Thank you so much for the reception. For me, as an adopted daughter here in this great country, it is a dream come true. Thank you for giving me the opportunity to share with you a story of unbelievable evil, the Holocaust, which also was part of my life.

My luck was that my parents were wonderful. They loved us and they taught us the Ten Commandments. I was alone, trying to study to be a nurse—another Florence Nightingale—and I witnessed Hitler bombarding villages and cities. Some of the streets were barricaded with barbed-wire, and there were so many Nazis—yelling, screaming and shooting. I saw a young SS pull a baby from his mother's arms and throw his head to the ground. Another SS threw a baby in the air and shot it like a bird. I could not understand that.

I was raised in a Catholic home, with a background of upper echelon police intelligence. In my girlfriend's house that night, I lost faith. I accused God, but somehow, in the morning, there was an answer in my soul, in my heart. God gave us free will to be good or bad; all of us have to choose what road we take, the evil one or the good one. I asked God for forgiveness and for the opportunity to help, even if my life depended on it. God gave me that opportunity.

In 1941, the Germans were fighting the Russians. I was working in a munitions factory, but the plant was moving. The Germans and the Nazis were pushing toward the Russian border. I was given the job of serving breakfast, lunch and dinner to the German officers and secretaries. I was also given responsibility for taking care of the laundry room for the officers and secretaries. There I met 12 Jewish people, people like all of us. There was a teacher, lawyer, accountant, dressmaker, tailor, nurse—people now alone, without children, forced to do a job or die. As I was carrying the laundry to them to be washed, we became friends. They trusted me. I wanted to help, but I did not have a home. I was assigned to live in a tiny little room by the diner, and I could not take them there.

At night, when I was serving dinner to the German officers and secretaries, I noticed quite often the local head of the Gestapo sitting with the major at the dinner table. At first, I did not understand when he said, "On Wednesday, don't count on the Jews to come to work." When I realized what it meant, the 12 Jewish people in the laundry room, another Christian girl, an old priest on the edge of town and I created a grapevine information center. I became the ears and the eyes for the persecuted people there; I listened and gave the news. There was a beautiful young Jewish girl my age who was courageous.

I was cleaning the major's office and noticed a stack of papers with a Gestapo stamp which allowed people to go to the ghetto or to town. Some of the papers found a way into my pockets, and I was able to give them to people so that they could go to the ghettos and the work barracks and warn people of planned raids. If they did not go out on days when raids were planned, they would survive; otherwise they would be killed or sent to a concentration camp. People asked me for help, but what could I do? I did not have a home. At this point, a miracle happened. The old major said to me, "I have a villa. You will be my housekeeper." I trusted, given the last-minute opportunities for me, that this was with God's blessing, so I opened the window and the 12 Jews came on to the villa.

It was not easy, but with God's help, we were surviving. There was one woman who was pregnant. We could have performed an abortion, but I could not do it. I saw the little children going to death screaming, "Mama, Mama!" and I could not do it. I pleaded for the life of the baby and told them, "Hilter will not have your baby."

We were surviving. We were helping the people in the forest. A Christian collaborator had a job on a farm, so we had potatoes and some other things that Helen or I would deliver to the forest. But the end was coming. I was in town one day, and suddenly, Gestapo were everywhere. Whoever was in the street—Polish, Ukrainian—were forced to one place. The Gestapo forced us to watch a Polish couple with two little babies and Jewish couple with two children hanging in the middle of the marketplace. There is no way I can tell you how it felt.

When I came to the villa, I was so shaken up that I forgot to close the door. Standing in the kitchen, three Jewish women came out from the cellar as they usually did. We did not even have time to start a conversation—the door opened, and the major was standing right in front of us. He was looking from one of us to another. Without saying one word, he turned around and walked very fast to the library where the telephone was. I knew he would call the head of the Gestapo. I ran, I kneeled down, and kissed his hands. I was pleading and praying. He was a man in his late sixties. Finally, he said, "Irene, I don't want to see you dead, but I have my orders. I will think about it. I'll go to my office. When I come back, I'll give you my decision." When he came out, he was drunk. I was standing in front of him. He pulled me onto his lap. It was not easy, but it was a small price to pay for so many lives, not only those in the villa, but also those in the forest.

The major was happy with me. He did not want to know who else was hiding there. The end was coming. Now the Russians were very close, and the Germans were evacuating. The major said, "If they come any closer, you better get rid of the women." He did not know that he had many other invisible guests. My Christian collaborator traveled about 600 kilometers to get a sleigh and a horse. One of the Jewish men put on the major's uniform and we made three trips to the forest. The men were dead.

Now the time was coming, and the major came back and saw the women. He said, "You get rid of them, or else." He went some place one day and brought back a sleigh and a horse. Everyone was running out of town—Ukrainian, Polish—because the front was coming so close. I loaded the sleigh with luggage and chairs and took the women—we looked like everybody else running out of town. I took them to the forest and I remained with them until March 15, 1944.

The Red Army took that part of the Ukraine, and my friends were free. What a freedom for people who were broken in spirit and in body. But a month later, a little boy was born, a little boy whose life became wonderful for me. His mother did give birth to him in freedom. I saw that little boy in 1993. Jerry Springer made a show, and he invited that little boy. The boy was by then a man, and he came with his children, a boy and a girl. Three generations survived.

In 1992, I was invited to Jerusalem to plant a tree for the Righteous. The Jewish people helped me to escape from Poland because the Russians were after me.

I was in a Jewish DP camp in Germany, when a group of men came from the League of Nations. One of them was an American, Bill Opdyke. I knew six languages, but we did not have one in common, and there was no romance.

When I came to United States in 1949 and became a citizen, I pledged my allegiance to America, to the land of the free. On my second day here, I found work. America did not owe me anything, I owed America. She adopted me. I met Bill Opdyke again in New York. He was then with the United Nations and was a widower. Six weeks later, we were married. The Lord blessed us with a little girl. My husband passed away four years ago.

When I planted the tree in Israel, I made a vow that for the rest of my life, I would travel and speak, primarily to the young people. They are the most important people. They are the future leaders of nations. When I travel and speak to them, even the big macho boys stand in line for hugs and kisses because I speak from my heart. I try to tell them not to hate and that hate does not accomplish anything. It ruins your life, your family and your country. Reach out. You're lucky. You're in school with children from all nationalities. Learn from each other; reach for each other. You must. If you don't do that, there will never be peace.

For 20 years I have travelled and tried to teach people that human beings and the link between our past and our present are most important. I'm trying to teach children that they have a responsibility to reach out to each other and to ignore the hate mongers. I tell them to

reach out regardless of nationality, religion, color or creed. We all belong to one human family.

Gentlemen and ladies, we are getting old; soon we will not be here. Give us the opportunity to speak because it makes a difference. I know this beyond a shadow of a doubt because I travel from one end of the United States to the other. I don't go only to big places. I go where other speakers don't want to go, but where there are always children. I want to unite our people because America is worth it—it is the most wonderful country. What other country has so many different nationalities? We have to teach our children love and understanding. We parents have to be the models in order for children to learn to do the right thing. This is important, and I want to do this for the rest of my life. My husband was a politician all his life. He would be very proud of me today for standing here. His grandfather was the first Republican mayor of New York City, and during the Tammany Hall events, he lost because he fought Tammany Hall.

Thank you. Thank you so much for the honor you extend to me. Thank you. God Bless you all.

ASSEMBLY IN SESSION

At 11:55 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 178, 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 90.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Senate Bill No. 90:

YEAS — 42.

NAYS — None.

Senate Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

Remarks by Assemblymen Amodei, Chowning, Perkins and Giunchigliani.

Roll call on Senate Bill No. 153:

YEAS — 42.

NAYS — None.

Senate Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 9, 34, 58, 80, 87, 162.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Susannah Hooper-Howe, Tyler Archey, Lyndsey Bearer, Aaron Burch, Aaron Camp, Kara Drinnon, Tom Clark, Brittney Cummings, Cody Downs, Jacob Flick, Casey Gilbert, Amy Griffith, Jacob Haynes, Heather Hutchens, Chris Journet, Nicole Mineard, Katie Odum, Ruben Orosco, Genea Paras, Christa Prinz, Manuel Quinonez, Mirta Rodarte, Tina Rodarte, Elizabeth Schmitz, Jenny Swanson, Chelsee Tuni, Michael Wayman, Jared Webb, Crystal Whelpley, Joey Williams, Judi Rylander, Zach Dillon, Shelli Bonner, Amber Andres, Shannon Bell, Adam Brennan, Jamie Candee, Cory Charles, Christopher Cross, Scott Demars, Diedre Ann Fox, Nicole Hendrix, Josiah Horne, Sean Ryan Lacow, Shawn Landers, Steven Liesch, Amanda Paszek, Jillian Ramsey, Dale Rider, Amanda Kelly Siek, Shanelle Sloan, Alex Tam, Tyson Torvik, Bryan Vanburen, Jason Walker, Sarah Ward, Steven Wolfgang and Kelly Worthington.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Edwin Wathen.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Pepe, Evan Ballar, Thomas Bautista, Cody Brinkdopke, Joshua Chavez, Nick Ciao, Eric Clynke, Corey Cochran, Brittany Englebrecht, Michael Haberman, Bianca Islas, Aubrey Jones, Randy Kaitschuck, Sterling Mains, William McManus, Nick Otte, Chelsea Phillips, Garrett Ransom, Ashton Riley, Justin Seidman, Megan Tierney, Rebecca Toepfert, Jonathan Tredwell, Jessica Wright, Brett Johnson, Patricia Brinkdopke, Pace Clyncke, Mary Haberman, Joseph Heck, Joel Seidman, Glenn Tredwell, Kelly Wright, Elvira Ballar, Rebecca Islas, Kathleen Jones, Sondra Wachtel, Danielle Brew, Robelle Cataluna, Davi Collins, Jacklyn Doebereiner, Megan Farmer, Tristan Grace, Polina Kotliar, Gabriela Larage, Joy Maziar, Sabrina Meadows, Marissa Mellor, Kimberly Padilla, Ashleigh Pouch, Chelsea Pougher, Tyson Rich, Andrew Steva, Alex

Tietz, James Wainio, Amanda Hamblin, Jacob Dobereiner, Jess Meadows, Rhonda Pouch, Teri Steva, Holly Rounds and Robin Mellor.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 9, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 9, 1997

Assembly called to order at 11:01 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce M. Henderson.

I found this in my office yesterday:

NOTICE
If you are grouchy,
irritable, or
just plain mean,
there will be a
$10.00 charge for
just putting up
with you.

So Lord our prayer today is short. Give us a sweet spirit. In that Name of Your sweet spirit. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Infrastructure, to which was referred Assembly Bill No. 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 364; Senate Bills Nos. 68, 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 8, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 22.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 263.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 169, 220, 229, 231, 267.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 361 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 470—An Act relating to wildlife; requiring the board of wildlife commissioners to adopt regulations establishing a program for the issuance of special incentive elk tags; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Krenzer, Herrera, Collins, Evans, Perkins, Amodei, Manendo, Williams, Chowning, Freeman, Hickey, Mortenson, Hettrick, Sandoval, Cegavske, Price, Close, Ohrenschall, Buckley, Bache, Parks, Lee,

Humke, Giunchigliani, Marvel, Goldwater, Lambert, Braunlin, Koivisto, Gustavson, Nolan, Arberry, Carpenter, Segerblom, de Braga, Ernaut, Dini, Tiffany, Von Tobel, Berman, Anderson and Neighbors:

Assembly Bill No. 471—An Act relating to dentistry; requiring the board of dental examiners of Nevada to issue a restricted license to practice dentistry to certain persons; defining the scope of such a license; revising provisions governing the clinical demonstrations required of an applicant for a license to practice dentistry; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Chowning, Anderson, Ohrenschall, Collins, Manendo, Hettrick, Parks, Herrera, Arberry, Cegavske, Perkins, Buckley, Von Tobel, Freeman, Hickey, Bache, Giunchigliani, Krenzer, Nolan, Mortenson, Price, Evans, Dini, Segerblom, Williams, Goldwater, de Braga, Berman, Neighbors, Amodei, Lee, Braunlin, Gustavson, Koivisto, Marvel, Humke and Close:

Assembly Bill No. 472—An Act relating to motor vehicles; requiring persons who operate garages that repair motor vehicles to register with the department of motor vehicles and public safety; creating an advisory board on the repair of motor vehicles; requiring the consumer affairs division of the department of business and industry and the department of motor vehicles to cooperate for certain purposes and to provide certain information to the general public concerning the repair of motor vehicles; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 169.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 220.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 229.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 231.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 263.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 267.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 67.

Bill read third time.

Remarks by Assemblymen Bache and Tiffany.

Roll call on Assembly Bill No. 67:

YEAS — 38.

NAYS — Gustavson, Nolan, Tiffany, Von Tobel — 4.

Assembly Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblyman Perkins.

Assemblyman Perkins moved that Assembly Bill No. 136 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 171.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 171:

YEAS — 42.

NAYS — None.

Assembly Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblymen Collins and Parks.

Conflict of interest declared by Assemblyman Parks.

Roll call on Assembly Bill No. 333:

YEAS — 41.

NAYS — None.

Not voting — Parks.

Assembly Bill No. 333 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblymen Giunchigliani, Freeman, Hettrick, Carpenter, Price, Close, Humke, Dini, Hickey, Anderson and Williams.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Assembly Joint Resolution No. 5 proposes to amend the Constitution of the State of Nevada to provide for annual, regular sessions of the Nevada Legislature. The measure replaces biennial sessions of unlimited length with annual sessions of no more than 120 calendar days in odd-numbered years, and no more than 45 calendar days in even-numbered years. Any legislative action taken at the end of the prescribed period is void.

Further, the measure requires regular sessions to commence on the first Monday of March each year. The governor must also provide the legislature with the proposed executive budget in odd-numbered years, and any proposed appropriations or budget revisions in even-numbered

years not later than 30 days before the session convenes. The resolution also limits any special session of the legislature to 20 calendar days and specifies that any legislative action taken after that time is void.

Further, the measure permits the legislature to petition the governor to call a special session. Such a petition must set forth the topics for consideration and must be signed by at least two-thirds of the members elected to the House. Upon receipt of the qualified petition, the governor must convene the legislature within 45 days.

Finally, AJR 5 requires the sample ballot explanation of this constitutional amendment to include a statement that the measure allows legislators to receive compensation for each calendar day of service up to the constitutional maximum of 60 days for each regular annual session. If approved in identical form by the legislature in both 1997 and 1999, the proposal will be submitted to the voters for final approval or disapproval at the general election in the year 2000.

Thank you, Madam Speaker pro Tempore.

ASSEMBLYWOMAN FREEMAN:

I rise in support of AJR 5. I've had very mixed feelings on this issue over the years, but given the size of the state and the types of issues we're dealing with this particular session, I've decided that going to annual sessions is really imperative for us to be able to plan for the future. I just think it would make our process a lot easier and a lot more effective. I plan to vote for it.

ASSEMBLYMAN HETTRICK:

I rise in opposition to AJR 5. Madam Speaker pro Tempore, it is my opinion that by doing this in this fashion, we virtually guarantee that special sessions will have to be called. It guarantees, the way the Constitution is written, that we would be paid for every special session. It increases our pay by the 45 days of the second session each year. I have no problem with increasing our pay — I would be happy to vote for that. I have a problem with doing it in the fashion of increasing the days to get it. I think it virtually guarantees we would have to have special sessions because the law says that anything you do after the limited day is null and void. If you could not finish business, for whatever reason, up to the twelfth hour of that day, then you must call a special session just to finish. If that happened to be the budget, you'd have no choice. I oppose that.

Mention was just made about the size of Nevada. Texas is far larger than Nevada, and they don't have annual sessions; they have biennial sessions. I believe our system works very well now, and I would urge my colleagues to vote against this resolution.

ASSEMBLYMAN CARPENTER:

I, too, rise in opposition to AJR 5. I believe that AJR 5 would increase the number of days we would be here by 37 percent, either by the amendment to the Constitution that we passed last time or by the measure that Mr. Price has always introduced to this House, which called for a 60-day annual session. I believe that this measure increases that time by 45 days, or 37 percent. I really believe that the people of Nevada would like us to be here less time, not more.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I would like to clarify some of the points discussed in committee this time. We pondered this differently this time around. We took the citizens' recommendation from the Utah plan that had been done by a task force chaired by former Senator Ashworth and tried to look at what the unique need is in the State of Nevada now. We're growing by leaps and bounds, and not just in Clark County. You have the same impetus and problems from Elko to Alamo, all across the state.

The reason we did a two-tiered approach was to accommodate the fact that we can't do business now in 120 days. We're ahead of schedule right now, in this house at least, as far as our budget process, but we'll be here well beyond 120 days. It's time to be responsible and take a look at the fact that if we can't do it every two years in 120 days, it is reasonable to set up a two-tiered approach: 120 days. Any action after that is void, but that way we get the budget earlier. It calls for the 30-day notice ahead of time and it requires the executive branch

to have more public input because we will convene in March, which would be later so that more citizens can run for office—that was another component.

The 45 days in the second year means that we won't have to always redo an entire budget. Hopefully, we will only be responding to revisions and growth needs and those types of considerations. I think it's rather ironic that some of the individuals that may be arguing against this are also arguing that we should have a vote of the people in many other areas. All this is asking is that we be able, for once, to have the House pass this; to put it on the ballot so at least the public can have some say, one way or another, on the issue of whether or not we should have annual sessions. I have to say, to infer that the reason for this is to have an increase in our "wonderful" salaries is an irresponsible remark.

I think the amendment that we put forth very clearly stated that if you work for 60 days, you get paid for 60 days. Other than that, there is no increase in salary; that is already in the Constitution, and we work well beyond the 60 days for which we are compensated. I think that this bill is a very clean, more tiered approach which will give the public an opportunity to recognize the unique needs that we have grown into in this state that our forefathers—and unfortunately not foresisters or mothers—did not have to craft within the Constitution. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN PRICE:

I certainly enjoyed the comments on the proposed annual sessions. I, too, would like to speak to some of the comments that were made by my colleagues in opposition and also in favor.

A few days ago I put a little book on all of your desks. It has comprehensive information in it that I have gathered over the years about how the citizens feel about annual sessions, what other states do, and so forth. For whatever it's worth, in every poll that has been done for years now by our university system, the citizens of Nevada do favor going to annual sessions. When you talk to a lot of citizens, and, recently, even citizens coming from other states, they wonder how Nevada still operates in the manner that we do. In actual fact, there are only about three states that have been truly operating—even when you look at their constitutions, like Texas—on a true biennial session. What some states do is recess and come back the next year to handle matters. Some come back into regular special sessions and so forth.

I also had this little list that I put on your desks for my colleagues who feel that you cannot get business done in what would be proposed 175 days—which, by the way, I think is a little longer than is absolutely necessary. In New Hampshire, in the last two regular sessions, the total of both sessions was 49 days. They do their session in about 23 or 24 days. Wyoming, the last two regular sessions, a total of 56 days. North Dakota, one regular, one special session, 70 days. Delaware, one regular session, 49 days. South Dakota, two regular sessions, two special sessions, 78 days. Georgia, two regular, one special session, 100 days. Alabama, two regular and three special sessions in 89 days, and the list goes on and on and on.

I had the privilege many years ago to visit Utah, and it was when I first started thinking about annual sessions. I went with former Speaker Ashworth's committee, that he was chairing at that time, which gave a report called "Prospects for Greatness." It was a citizens' committee that looked at a lot of the operations of our state and the legislature. They came back with some excellent recommendations, some of which we've adopted and some we haven't. In Utah they have annual 45-day sessions and the budget is generally the key item. We have started doing a little bit of what they have been doing for many years now. They have identical committees in the Senate and the Assembly; then, for instance, on Tuesday and Thursday afternoons, those committees jointly will hear the budget matters. If you are in transportation and hearing all of the stuff that comes under the department of transportation and so forth, the agency talks to both Houses at the same time. You're not getting one story one day in the Assembly Ways and Means and another story from the same people at Senate Finance. They wrap that whole thing up in 45 days. This particular subject matter has gone to the Supreme Court of the United States—where states, unlike ours, leave it open. In those states you can't do any of the tricks that we did in the old days such as covering the clock and saying it isn't really 12 o'clock. If your constitution says that it is the end of the legislative process, then

that's when you stop. If you try to play any games to get something passed after that, then it is clearly unconstitutional.

One point I would make is that when you are bound by your constitution, as we would be under this, you will get done. Basically, because we're all humans, we do what we have to do. Many years ago one of our former, very fine senators spearheaded the creation of the Interim Finance Committee. We meet about every 45 days and take all kinds of actions. If we have approved money to an agency and they have to change it to another account, they appear before the Interim Finance Committee. The Interim Finance Committee, or the equivalent, in state after state has been challenged and has been found to be unconstitutional. The Interim Finance Committee was created primarily to avoid going to annual sessions, but what it does is transfers our power, our authority as an Assembly and our authority as a Senate, to a subcommittee. You cannot transfer the authority that voters have placed in us to some subcommittee. In addition, a subcommittee is not balanced. The Supreme Court has ruled that a legislative body must be one person, one vote. We have transferred that to a "sub" body, and it has been challenged in many states and knocked down as unconstitutional. I've never chosen—I've thought about it but I've never chosen, as long as I've wanted annual sessions—to actually challenge the legality. I would rather see it go to a vote of the people and through the regular constitutional process.

Last week someone made a statement on a TV show I was doing on annual sessions, and I think they said it all. They said Nevada is a state that has full-time needs and full-time problems and a part-time legislature.

ASSEMBLYMAN CLOSE:

I rise in support of AJR 5. During our last session, I also supported a similar resolution. As I use my simple mathematics, 120 and 45 adds up to 165 days. That would still be less than the number of days we spent here in our last legislative session, so I don't think that we're going any further than what we have demonstrated in the past. We also tried, within this bill, to start later in the year—starting in March as opposed to January—which gives us an additional two months in preparation time.

As many members of this body know, the biggest thing that drives this session is the budget aspect of what we have to deal with. We are, as my other colleague from Ways and Means described, ahead of schedule at this time. I think that if we started in March, we'd have greater preparation time, not only for each one of us but also for our freshmen, who need to have that learning curve to catch up to those things which we do within this body. I think also, as has already been stated, if we have the budget earlier than right now, it would help us to evaluate the budget before we get here and therefore have certain things accomplished.

I also think, Madam Speaker pro Tem, that the biggest factor is that we'll refine the process. I strongly believe that we fill the time that's available to us. I am of the belief this session should have been out by June 1. I know there are those who might disagree, but I still think we could have done that if we really were put under the gun to get it done. I think that if we have 120 days, we'll get it done in 120 days. I do not think that we're going to get into a situation where we won't get our job done.

Another aspect that might be looked at is that many of us are blessed to have arrangements in our homes and in our businesses that allow us to be here for 165 or so many days every other year. But there are many out there who would like to be here as a citizen legislator who cannot spend that type of time, but possibly, they could spend the 120 days and then the 45 days. I believe that this would increase the cadre of citizen legislators that would be available to this body to serve, and I would urge your support.

ASSEMBLYMAN HUMKE:

I rise to reluctantly oppose the measure. I have voted both ways in my legislative career on these measures, which are always sponsored by the chief sponsor of this measure. This measure has many good things in it that have not always appeared before, so it is a close question. I will get to a couple of those in a second.

I feel that the basic problem is that the measure is premature. It is premature, first of all, because the legislative process in Nevada needs additional reform. The previous speakers

spoke about the budget process. I feel that that is where additional reform is still needed. We have made great strides—thanks, incidentally, to the tireless work of you, Madam Speaker pro Tem—in the budget reform process, and that is a mosaic that is continuing and needs to continue further. To sort of wrap up this point, I feel that the thing that will speed up our budget process the most is a legislative budget office.

This session happens to be a good example of one in which the chief executive has inadvertently caused a certain amount of delay in the budgetary process. We all have seen many innovative programs that are on the desk. In many of those, we're still awaiting further detail or we're awaiting some initial detail. I don't mean to show disrespect to the current incumbent, the chief executive. In my experience, this has been an inherent problem with chief executives in this state in reaction to the legislative process.

The next reason why this measure is premature is that there is another pending resolution—call it a competing resolution—but it is ahead of this one chronologically. That is the one that I believe was generated by the Senate, calling for a 120-day biennial limited session. If this measure goes through the legislative process, I think it will confuse the people because the other resolution is out there.

Finally, I think that there is a false economy of legislative time that is sought by this resolution. The Minority Leader spoke of the possibility of rampant special sessions under this measure. In my experience in talking with legislators around the West who the chief sponsor referred to, many of those states have limited off-year sessions in which they deal mostly with the budget or limited matters. But they also have numerous, numerous special sessions, and I don't feel that that's a good policy.

ASSEMBLYMAN DINI:

I rise in support of the resolution. I don't think we just picked 120 days out of a hat and said, "Let's try 120 days." I've had a little experience in operating this House. This is my seventh term as Speaker. I think I have the background to tell you that if you can get that budget done in less than 90 days, you're going to be standing on your head and working every weekend to do it. Once you get the budget heard, you need a couple of weeks to close it and you need a week to get the Appropriations Act out and all these things put together, and you can't do it in less than 120 days. That's just practical management.

The 45-day session will allow us to review certain parts of the budget. It will put less emphasis on the Interim Finance Committee. By the way, Mr. Price, I chaired the committee on "Prospect for Greatness."

The other thing I'd like to say is that we're going to vote in 1997, we're going to vote on this again in 1999, and the voters get to make the selection in the year 2000. The first annual session wouldn't start until 2002, so we're planning for the future. The way that it is growing, this state will have 2,000,000 people by 2002. I don't think we do a good job of taking care of local problems in a short session. As you know, it takes us 169 days now. If you have 120 days certain, you start the budget process earlier, you get out of here in 120 days. I think it has a lot of advantages, and the real advantage is the small session in between which allows you to come in and clarify things, bring things up to date, take care of a few problems that you may have and go back home.

I think it's a good compromise. I'll tell you this. I cannot vote for a bill that just says 120 days every two years. That is absolutely ludicrous. It will not work, and nobody will be able to serve when you get done with that one because you can't do the job for the people that sent you here.

ASSEMBLYMAN HICKEY:

I rise in opposition to this bill because I think going to annual sessions will significantly change one quality that Nevada has maintained and which contributes to the kind of state that we have and that is the quality of our citizen legislature. I disagree with my colleague from District 15 who says that this measure would allow those folks from the private sector to more easily serve. Combined with not only serving each year, and the additional campaign time that is required every off year, I think you would minimize the participation of persons from the

private sector. I believe the other measures ought to be tried, and for that reason, I'll be voting against this measure.

ASSEMBLYMAN ANDERSON:

I rise in support of the piece of legislation. I really kind of hoped to keep quiet on this particular issue because I'm sure we will talk it to death. I'm distressed when I hear that we're not going to trust the people to be able to make a choice about what they want to do. In the committee in which I serve as chair, we frequently hear from governmental bodies of the inability for the legislature to respond in a forthright manner to issues that come before the courts relative to the disposition of real issues that are of real concern to people on a day-to-day basis. The reason that we can't respond in a quick fashion is because we're not here. This bill, I believe, will at least set in front of the people two basic things: one, do they want their citizen legislature to be here every year to respond to their needs or not; and two, should we limit the amount of time?

We have heard already that 120 days is the least amount of time in which we can do this job. Now, I don't think anybody is going to complain, at least in the public sector, if we get out of here in less than 120 days. I have real difficulty believing that. So if we can do it faster, then we will, but we know what we believe is the minimum level, and if we can do it faster, then I think we'll have an opportunity to serve the people of this state well. Give them a chance to vote.

Assemblymen Williams, Hickey and Perkins moved the previous question.

Motion carried.

The question being on the passage of Assembly Joint Resolution No. 5.

Roll call on Assembly Joint Resolution No. 5:

YEAS — 28.

NAYS — Amodei, Braunlin, Carpenter, Cegavske, Ernaut, Gustavson, Hettrick, Hickey, Humke, Lambert, Marvel, Sandoval, Tiffany, Von Tobel — 14.

Assembly Joint Resolution No. 5 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assemblyman Dini moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblywoman de Braga.

Roll call on Assembly Joint Resolution No. 10:

YEAS — 42.

NAYS — None.

Assembly Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 81:

YEAS — 42.

NAYS — None.

Senate Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Ernaut announced that if there were no objections the Assembly would recess subject to the call of the Chair for the purpose of hearing a presentation by Katie Phillipi and Kevin Clement of Lenz Elementary School.

Motion carried.

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ERNAUT:

Mr. Speaker, I wanted to introduce my students as they are going up to the podium. They are from the Elizabeth Lenz Elementary School, which actually sits on the border between my district and the district of my colleague, Mr. Humke. We have with us Katie Phillipi, who is in sixth grade, and she is a class representative, and Kevin Clement, who is the president of the student council, and he is also in sixth grade. They have a resolution that they'd like to read to all of us today.

KATIE PHILLIPI:

Whereas, the Elizabeth Lenz Student Council representatives acted as advocates against youth access to tobacco through a National PTA sponsored program called Stop the Sale, Prevent the Addiction; and

Whereas, representatives displayed anti-tobacco use posters throughout the school and reported facts and statistics about the dangers of all tobacco use on the Lenz Morning News broadcast; and

Whereas, more than ten Student Council representatives performed skits about chewing tobacco, fake identification cards, tobacco's effect on sports and school, what it does to your breath, what tobacco use can lead to such as alcohol and drugs; and

Whereas, Lenz Student Council representatives are here today to commend the Nevada State Assembly for their commitment to making youth access to tobacco more difficult; and

Whereas, we represent the voices of many children and adults of Nevada who ask that you continue working hard to Stop the Sale and Prevent the Addiction; now therefore, be it

Resolved, that as you finish the 69th session of the Nevada State Legislature, Lenz Student Council is confident that you will keep us in mind when considering matters dealing with tobacco use; and be it further

Resolved, that the Lenz Student Council hereby presents a Certificate of Thanks to both the Nevada State Senate and the Nevada State Assembly.

KEVIN CLEMENT:

We would like to present this plaque for your great efforts in "Stop the Sale, Prevent the Addiction."

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Thank you so much. We are very honored that you came over today and made this presentation. We'd like to see you kids just continue the political career you've started here today. You probably could get everybody to vote for your resolution, I'll bet, if we tried hard, huh? Thank you very much for coming.

SECOND READING AND AMENDMENT

Assembly Bill No. 382.

Bill read second time and ordered to third reading.

Senate Bill No. 178.

Bill read second time and ordered to third reading.

Senate Bill No. 202.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 9, 28, 66, 164, 173, 191.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Jimmy Lee McDowell.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Nicholas Ganski.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Juanita McGaughey Clark.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Gray and Lell Gray.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Wilde Brough.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Minty.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Vivian Kilarski.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Thornley and David Stix Jr.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Sample, Pat Boyd and Jack Pursel.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Phillipi and Kevin Clement.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Niki Hannevig.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Suzi Rust and Allenda Zionch.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Thelma Bosowski, Joyce Maddaford, H. W. Perry, Angel Lynn and Judi Lynn.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Ace.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Vic Hyden.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Deery and Neil Brown.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Marta Minty and Rebecca Minty.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Kim McCann.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Mertz.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Gritis and Patricia Gritis.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Doris Gulmatico.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Amend.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Stanfill.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Brown and Marsha Thornley.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Herman and Juliene Allman.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Davis and Douglas Gerwitz.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Meri Bowers and Paula Pearson.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Christi Lynn, Dawn Haviland and Annette Thaler.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ronda Nassersharif and Tammy Geary.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 12, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 12, 1997

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Neighbors, who was excused.

Prayer by the Chaplain, The Reverend Jeffrey D. Paul.

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech You so to guide and bless our Representatives in the Assembly of this state, that they may enact such laws as shall please You, to the glory of Your Name and the welfare of Your people; in Your Holy Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 272; Senate Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 142, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Judiciary.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 257, 290.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 262, 277, 295, 308.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 125.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 473—An Act relating to county government; abolishing family courts in a county whose population is 400,000 or more; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 474—An Act making an appropriation to Storey County to repair the damage resulting from the vandalism of the Virginia City Cemetery; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 257.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 262.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 277.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 290.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 295.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 308.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 35:

YEAS — 41.

NAYS — None.

Excused — Neighbors.

Assembly Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191.

Bill read third time.

Remarks by Assemblymen Evans, Williams and Freeman.

Roll call on Assembly Bill No. 191:

YEAS — 41.

NAYS — None.

Excused — Neighbors.

Assembly Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

Bill read third time.

Remarks by Assemblywoman Von Tobel.

Roll call on Assembly Bill No. 225:

YEAS — 41.

NAYS — None.

Excused — Neighbors.

Assembly Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 382.

Bill read third time.

Remarks by Assemblymen Close and Anderson.

Roll call on Assembly Bill No. 382:

YEAS — 41.

NAYS — None.

Excused — Neighbors.

Assembly Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 178, 202 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 12:44 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Buckley:

Assembly Bill No. 475—An Act relating to justices of the peace; increasing academic requirements for justices of the peace in certain counties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 82.

Bill read second time.

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

Amendment No. 323.

Amend the bill as a whole by deleting sections 1 through 17, 19 through 26 and the text of the repealed section and renumbering sec. 18 as section 1.

Amend sec. 18, page 8, line 35, by deleting: ", *a deputy administrator of unclaimed property*".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to the state treasurer;".

Amend the summary of the bill to read as follows: "Summary—Authorizes state treasurer to appoint and employ certain deputies and assistants. (BDR 10-642)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Close moved that Assembly Bill No. 155 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Infrastructure:

Amendment No. 288.

Amend section 1, page 1, line 2, by deleting "13," and inserting "17,".

Amend sec. 2, page 1, line 5, by deleting: "3, 4 and 5" and inserting: "3 to 6, inclusive,".

Amend the bill as a whole by renumbering sections 3 through 5 as sections 4 through 6 adding a new section designated sec. 3, following sec. 2, to read as follows: "Sec. 3. "Solid waste" has the meaning ascribed to it in NRS 444.490.".

Amend sec. 3, page 1, line 8, after "treatment," by inserting: "control of odor,".

Amend sec. 3, page 1, line 10, by deleting "including" and inserting: "including, without limitation,".

Amend sec. 3, page 1, line 17, by deleting "treatment." and inserting: "treatment, including, without limitation, the acquisition and improvement of wetlands that are designed and used for the discharge of effluent.".

Amend sec. 4, page 1, by deleting line 20 and inserting: "of NRS whose members at the time of formation included the three largest retail water purveyors in the county and which is responsible".

Amend the bill as a whole by deleting sections 6 through 14 and adding new sections designated sections 7 through 20, following sec. 5, to read as follows:

"Sec. 7. 1. The board of county commissioners of any county may by ordinance, but not as in a case of emergency, impose a tax for infrastructure pursuant to this section and section 8 of this act.

2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a two-thirds majority of the members of the board of county commissioners. Any proposal to increase the rate of the tax or change the previously approved uses for the proceeds of the tax must be approved by a two-thirds majority of the members of the board of county commissioners. The board of county commissioners shall not change a previously approved use for the proceeds of the tax to a use that is not authorized for that county pursuant to section 14 of this act.

3. An ordinance enacted pursuant to this section must specify the date on which the tax must first be imposed or on which an increase in the rate of the tax becomes effective, which must occur on the first day of the first month of the next calendar quarter that is at least 60 days after the date on which a two-thirds majority of the board of county commissioners approved the question.

4. An ordinance enacted pursuant to this chapter in a county whose population is 400,000 or more and in which a water authority exists must expire by limitation 10 years after the date on which the tax is first imposed.

5. Before the board of county commissioners enacts an ordinance pursuant to this chapter, the board of county commissioners and the water authority shall hold a public hearing regarding the imposition of a tax for infrastructure. Notice of the time and place of the hearing must be:

(a) Published in a newspaper of general circulation in the county at least once a week for the 2 consecutive weeks immediately preceding the date of the hearing. Such notice must be a display advertisement of not less than 3 inches by 5 inches.

(b) Posted at the building in which the meeting is to be held and at not less than three other separate, prominent places within the county at least 2 weeks before the date of the hearing.

6. Before enacting an ordinance pursuant to this chapter, the board of county commissioners of a county whose population is less than 400,000 or a

county whose population is 400,000 or more and in which no water authority exists, shall develop a plan for the expenditure of the proceeds of a tax imposed pursuant to this chapter for the purposes set forth in section 14 of this act. The plan may include a regional project for which two or more such counties have entered into an interlocal agreement to expend all or a portion of the proceeds of a tax imposed in each county jointly pursuant to this chapter. Such a plan must include, without limitation, the date on which the plan expires, a description of each proposed project, the method of financing each project and the costs related to each project. The board of county commissioners shall hold at least one public hearing on the plan. Notice of the time and place of the hearing must be provided in the manner set forth in subsection 5. The plan must be approved by the board of county commissioners at a public hearing. On or before the date on which a plan expires, the board of county commissioners shall adopt, in the manner prescribed in this subsection, a new plan for the expenditure of the proceeds of the tax imposed pursuant to this chapter for the purposes set forth in section 14 of this act.

Sec. 8. An ordinance enacted pursuant to this chapter must include provisions in substance as follows:

1. A provision imposing a tax upon retailers at the rate of not more than one-quarter of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of an ordinance enacted pursuant to this chapter.

4. A provision stating the specific purpose for which the proceeds of the tax must be expended.

5. A provision that the county shall contract before the effective date of the ordinance with the department to perform all functions incident to the administration or operation of the tax in the county.

6. A provision that exempts from the tax or any increase in the tax the gross receipts from the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a binding bid was submitted before that date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

Sec. 9. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the counties pursuant to this chapter must be paid to the department in the form of remittances payable to the department.

2. The department shall deposit the payments with the state treasurer for credit to the sales and use tax account in the state general fund.

3. The state controller, acting upon the collection data furnished by the department, shall monthly:

(a) Transfer from the sales and use tax account to the appropriate account in the state general fund a percentage of all fees, taxes, interest and penalties collected pursuant to this chapter during the preceding month as compensation to the state for the cost of collecting the taxes. The percentage to be transferred pursuant to this paragraph must be the same percentage as the percentage of proceeds transferred pursuant to paragraph (a) of subsection 3 of NRS 374.785 but the percentage must be applied to the proceeds collected pursuant to this chapter only.

(b) Determine for each county an amount of money equal to any fees, taxes, interest and penalties collected in or for that county pursuant to this chapter during the preceding month, less the amount transferred to the state general fund pursuant to paragraph (a). (c) Transfer the amount determined for each county to the intergovernmental fund and remit the money:

(1) In each county whose population is 400,000 or more and in which a water authority exists, to the treasurer for the water authority.

(2) In each county whose population is less than 400,000 or each county whose population is 400,000 or more and in which no water authority exists, to the county treasurer.

Sec. 10. The department may redistribute any fee, tax, penalty and interest to:

1. A county whose population is less than 400,000 or a county whose population is 400,000 or more and in which no water authority exists; or

2. The water authority in a county whose population is 400,000 or more and in which a water authority exists,

that is entitled thereto, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the department obtains knowledge of the improper distribution.

Sec. 11. An ordinance amending the ordinance enacted pursuant to section 7 of this act must include a provision in substance that the county shall amend the contract made pursuant to subsection 5 of section 8 of this act by a contract made between the county and the state acting by and through the department before the effective date of the amendatory taxing ordinance, unless the county determines with the written concurrence of the department that no such amendment of the contract is necessary or desirable.

Sec. 12. 1. In a county whose population is less than 400,000 or a county whose population is 400,000 or more and in which no water authority exists, the county treasurer shall deposit the money received from the state controller pursuant to section 9 of this act in the county treasury for credit to a fund to be known as the infrastructure fund. The infrastructure fund must be accounted for as a separate fund and not as a part of any other fund. The money for each project included in the plan adopted pursuant to subsection 6 of section 7 must be accounted for separately in the fund.

2. In a county whose population is 400,000 or more and in which a water authority exists, the water authority shall deposit the money received from the state controller pursuant to section 9 of this act in a separate account of the water authority to be known as the infrastructure fund. This fund must be accounted for as a separate fund and not as part of any other fund of the water authority.

Sec. 13. 1. In a county whose population is 400,000 or more and in which a water authority exists, the water authority may enter into an interlocal agreement with a city or town located in the county whose territory is not within the boundaries of the area served by the water authority or with an entity in the county which provides water or wastewater services and which is not a member of the water authority to provide a distribution from the infrastructure fund of the water authority to the city, town or entity after the city, town or entity has submitted to the water authority a detailed plan for acquiring, establishing, constructing, improving or equipping, or any combination thereof, a water or wastewater facility. No such distribution may be made as to proceeds of the tax for infrastructure collected more than 6 months before the date of the request for a distribution.

2. Such a city, town or entity may request annually from the infrastructure fund of the water authority an amount of the proceeds of the tax for infrastructure received annually by the water authority that is equal to the proportion that the assessed valuation of taxable property within the boundaries of the city or town or the area served by the entity, except any assessed valuation attributable to the net proceeds of minerals, bears to the total assessed valuation of taxable property within the county, except any assessed valuation attributable to the net proceeds of minerals. If the boundaries of such a city or town overlap with the boundaries of an entity in such a county which provides water or wastewater services and which is not a member of the water authority, the water authority shall apportion equally between the city or town and the entity the distribution from the infrastructure fund attributable to the assessed valuation in the area where the boundaries overlap.

3. The water authority shall not unreasonably refuse a request from such a city, town or entity for a distribution from the infrastructure fund pursuant to the provisions of this section.

Sec. 14. The money in the infrastructure fund, including interest and any other income from the fund:

1. In a county whose population is 400,000 or more, must only be expended by the water authority, distributed by the water authority to its members, distributed by the water authority pursuant to section 13 of this act to a city or town located in the county whose territory is not within the boundaries of the area served by the water authority or to an entity in such a county which provides water or wastewater services and which is not a member of the water authority or, if no water authority exists in the county, by the board of county commissioners for:

(a) The acquisition, establishment, construction, improvement or equipping of water and wastewater facilities;

(b) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects described in paragraph (a); or

(c) Any combination of those purposes.

The board of county commissioners may only expend money from the infrastructure fund pursuant to this subsection in the manner set forth in the facilities plan adopted pursuant to section 7 of this act.

2. In a county whose population is 100,000 or more but less than 400,000, must only be expended by the board of county commissioners in the manner set forth in the facilities plan adopted pursuant to section 7 of this act for:

(a) The acquisition, establishment, construction or expansion of:

(1) Facilities for the control of floods;

(2) Railroad grade separation projects; or

(3) Facilities relating to public safety;

(b) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects described in paragraph (a); or

(c) Any combination of those purposes.

3. In a county whose population is less than 100,000, must only be expended by the board of county commissioners in the manner set forth in the facilities plan adopted pursuant to section 7 of this act for:

(a) The acquisition, establishment, construction, improvement or equipping of:

(1) Water facilities; or

(2) Wastewater facilities;

(b) The acquisition, establishment, construction or expansion of:

(1) Facilities for the control of floods; or

(2) Facilities for the disposal of solid waste;

(c) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects described in paragraph (a) and (b); or

(d) Any combination of those purposes.

Sec. 15. 1. Money for the payment of the cost of one or more projects for which the board of county commissioners has imposed all or a portion of the tax authorized pursuant to this chapter may be obtained by the issuance of bonds and other securities as provided in subsection 2 or 3, or, subject to any pledges, liens and other contractual limitations made pursuant to this chapter, may be obtained by direct distribution from the infrastructure fund, or may be obtained both by the issuance of such securities and by such direct distribution as determined by the board of county commissioners or, in a county whose population is 400,000 or more and in which a water authority exists, by the water authority.

2. The board of county commissioners of a county whose population is less than 400,000 or of a county whose population is 400,000 or more and in which no water authority exists may, after the enactment of an ordinance imposing a tax for infrastructure as authorized by section 7 of this act, from time to time issue bonds and other securities, which are general or special obligations of the county and which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the taxes imposed by this chapter. The ordinance authorizing the issuance of any bond or other security must describe the purpose for which it was issued.

3. After the enactment of an ordinance imposing a tax for infrastructure by the board of county commissioners of a county whose population is 400,000 or more and in which a water authority exists, the water authority or, if so provided in an interlocal agreement to which the water authority is a party, one or more of the members of the water authority, may from time to time issue bonds and other securities, which are general or special obligations and which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the taxes imposed by this chapter.

Sec. 16. 1. Each document providing for the issuance of any bond or security issued pursuant to this chapter which is payable from the receipts of the taxes imposed by this chapter or revenue generated by one or more projects for which the board of county commissioners has imposed all or a portion of the tax authorized pursuant to this chapter, may, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain a covenant or other provision to pledge and create a lien upon the receipts of the tax or the revenue generated by one or more projects for which the board of county commissioners has imposed all or a portion of the tax authorized pursuant to this chapter, or upon the proceeds of any bond or security pending their application to defray the cost of one or

more projects for which the board of county commissioners has imposed all or a portion of the tax authorized pursuant to this chapter, or any combination of the tax proceeds, generated revenue or security proceeds, to secure the payment of any bond or security issued pursuant to this chapter.

2. Any money pledged to the payment of bonds or other securities pursuant to subsection 1 may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

Sec. 17. 1. On or before December 31 of each year, a county or water authority that receives money from the state controller pursuant to section 9 of this act shall submit a written report to the director of the legislative counsel bureau for transmission to:

(a) In each even-numbered year, the next regular session of the legislature.

(b) In each odd-numbered year, the interim finance committee.

2. The report must:

(a) Set forth the total amount of money received by the county or water authority from the state controller pursuant to section 9 of this act for the preceding fiscal year;

(b) Describe each distribution of money from the infrastructure fund of the county or water authority in the preceding fiscal year, including, without limitation:

(1) The project for which the money was distributed; and

(2) The status of the project for which the money was distributed;

(c) Describe other revenue, if any, that was allocated to or collected for the financing of a portion of a project for which the tax for infrastructure was imposed; and

(d) Provide projected expenditures for the next 5 fiscal years for projects to be paid, wholly or in part, by proceeds of a tax for infrastructure and the projected revenue to be generated by those projects.

3. If a water authority in a county whose population is 400,000 or more has entered into an interlocal agreement to provide a distribution from the infrastructure fund pursuant to section 13 of this act to a city or town located in the county whose territory is not within the boundaries of the area served by the water authority or to an entity in the county which provides water or wastewater services and which is not a member of the water authority, the city, town or entity shall transmit to the water authority on or before December 15 of each year a report that describes:

(a) The total distribution received by the city, town or entity during the preceding fiscal year from the infrastructure fund pursuant to section 13 of this act;

(b) Each project for which the money was distributed; and

(c) The status of each project for which the money was distributed.

Sec. 18. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is 400,000 or more, the governing body of a city that owns a municipal water system may, if requested by a water authority, impose an excise tax on the use of water in an amount sufficient to ensure the payment, wholly or in part, of obligations incurred by the water authority to acquire, establish, construct, improve or equip, or any combination thereof, a water facility. The tax must be imposed by ordinance on customers of the municipal water system that are capable of using or benefiting from the water facility financed, wholly or in part, with the proceeds of the tax.

2. An excise tax imposed pursuant to subsection 1 may be levied at different rates for different classes of customers or to take into account differences in the amount of water used or estimated to be used or the size of the connection.

3. The ordinance imposing the tax must provide:

(a) The rate or rates of the tax;

(b) The procedure for collection of the tax;

(c) The duration of the tax; and

(d) The rate of interest that will be charged on late payments.

4. Late payments of the tax must bear interest at a rate not exceeding 1 percent per month, or fraction thereof. The tax due is a perpetual lien against the property served by the water on whose use the tax is imposed until the tax and any interest that may accrue thereon are paid. Collection of the tax may be enforced in any manner authorized by law for the collection of unpaid water bills. In addition to all other methods available to enforce payment of the tax, the city, by ordinance, may provide that it will be collected in the same manner as delinquent taxes are collected pursuant to NRS 268.043 for sewerage charges.

5. As used in this section:

(a) "Water facility" means a facility pertaining to a water system for the collection, transportation, treatment, purification and distribution of water, including, without limitation, springs, wells, ponds, lakes, water rights, other raw water sources, basin cribs, dams, spillways, retarding basins, detention basins, reservoirs, towers and other storage facilities, pumping plants, infiltration galleries, filtration plants, purification systems, other water treatment facilities, waterworks plants, pumping stations, gauging stations, ventilating facilities, stream gauges, rain gauges, valves, standpipes, connections, hydrants, conduits, flumes, sluices, canals, channels, ditches, pipes, lines, laterals, service pipes, force mains, submains, siphons, other water transmission and distribution mains, engines, boilers, pumps, meters, apparatus, tools, equipment, fixtures, structures, buildings and other facilities for the acquisition, transportation, treatment, purification and distribution of untreated water or potable water for domestic, commercial and industrial use and irrigation, or any combination thereof.

(b) "Water authority" means a water authority organized as a public agency or entity created by cooperative agreement pursuant to chapter 277 of NRS whose members at the time of formation include the three largest retail water purveyors in the county and which is responsible for the acquisition, treatment and delivery of water and water resources on a wholesale basis to utilities, governmental agencies and entities and other large customers.

Sec. 19. Chapter 167, Statutes of Nevada 1947, as last amended by chapter 631, Statutes of Nevada 1993, at page 2643, is hereby amended by adding a new section to be designated as section 28, immediately following section 27, to read as follows:

Sec. 28. 1. At the request of the Southern Nevada Water Authority, to pay all or any part of the cost to acquire, establish, construct, improve or equip, or any combination thereof, one or more water facilities, the board of directors of the district may impose an excise tax on the use of water in an amount sufficient to ensure the payment, wholly or in part, of obligations incurred by the Southern Nevada Water Authority. The tax must be imposed as a rate or charge pursuant to the procedures for adopting a schedule of rates and charges set forth in section 9.2 on customers of the water system of the district that are capable of using or benefiting from the water facilities financed, wholly or in part, with the proceeds of the tax.

2. An excise tax imposed pursuant to subsection 1 may be levied at different rates for different classes of customers or to take into account differences in the amount of water used or estimated to be used or the size of the connection.

3. The schedule imposing the rate or charge must provide:

(a) The amount of the rate or charge;

(b) The procedure for collection of the rate or charge;

(c) The duration of the rate or charge; and

(d) The rate of interest that will be charged on late payments.

4. Late payments of the tax must bear interest at a rate not exceeding 1 percent per month, or fraction thereof. The tax due is a perpetual lien against the property served by the water on whose use the tax is imposed until the tax and any interest that may accrue thereon are paid. Collection of the tax may be enforced in any manner authorized by law for the collection of unpaid water bills. In addition to all other methods available to enforce payment of the tax, the district may provide that it will be collected in the same manner as delinquent taxes are collected pursuant to NRS 268.043 for sewerage charges.

5. As used in this section, "water facility" has the meaning ascribed to "water project" in paragraph (b) of subsection 6 of section 27.

Sec. 20. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows: "An Act relating to taxation; authorizing counties to impose sales and use taxes for infrastructure; authorizing certain cities and the Las Vegas Valley Water District to impose an excise tax on the use of water for water facilities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Authorizes imposition of certain taxes for certain projects related to infrastructure. (BDR 32-1485)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Mortenson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 350.

Bill read second time.

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

Amendment No. 320.

Amend sec. 4, page 4, line 7, by deleting "unexpected" and inserting "[unexpected]".

Amend sec. 9, page 7, line 13, by deleting: "*354.430 to 354.626,*" and inserting: "*350.085 to 350.095,*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Bill read second time and ordered to third reading.

Assembly Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 310.

Amend section 1, page 2, by deleting lines 3 and 4 and inserting:

"3. The Department of Education shall submit a report of the progress of the program: (a) On or before March 15, 1998, to the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission; and (b) On or before January 15, 1999, to the Director of the".

Assemblyman Williams moved the adoption of the amendment.
Remarks by Assemblyman Williams.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 68.
Bill read second time and ordered to third reading.

Senate Bill No. 98.
Bill read second time and ordered to third reading.

Senate Bill No. 249.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Ohrenschall, Buckley, Bache, Manendo, Williams and Arberry:

Assembly Concurrent Resolution No. 23—Urging the Las Vegas Valley Water District to maintain the current method for the calculation of charges for water to mobile home parks by use of a master meter.

Assemblywoman Ohrenschall moved that the resolution be referred to the Committee on Commerce.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 82 be re-referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 362; Senate Bill No. 272.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Redlack.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Poff.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Eva Outlaw.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Lynne Beach.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Jesse Northrop and Natacha Faillers.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Young.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Jordi Swainston, Michael Beemer and Craig Beemer.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Hull, Roxanna McClurg, Jaime Aitkenhead, Natalie Arneson, Paul Basagoitia, Nicole Broersma, Candice Chandler, Leon Christensen, Courtney Conroy, Nicole Drumm, Jill Fisher, Francisco Gomez, Viridiana Gomez, Joshua Grimm, Melissa Hillabush, Henry Jones, Jonathan Lee, Cassandra Lovelady, Jessica Maule, Skylar McNabb, Nicholas Morrow, Melissa Nestroyl, Jared Price, Owen Prouhet Thompson, Shelby Vanderlinden, Deborah Chandler, Barbara Fisher, Julie Arneson, Katie Grimm, Marilyn Hillabush, Richard Artzer, John Blackwell, Tasheena Bryan, Casey Duryee, Heather Ellis, Sean Etheridge, Sage Gerhauser, Michelle Gimenez, Daniel Hanks, Jeremy Henningsen, Joshua Hintze, Kyle Martinez, Casey Mc Crosky, Thomas McKenzie, Nathanael Merlin, Kristina Nalder, Deidre Pape, Andrew Robinson, Amber Rodarte, Cassandra Serrato, Nevada Smith, Sergio Teutli, Joshua Van Roy, Tyson Waldron-Cochetti, Terry Martinez, Cymme Gerhauser, Tammy Hanks and Amy Roby.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Boone, Lisa Mortara, Bryan Blakely, Gloria Diaz, Shaun Dutra, Jason Gray, Kevin Kallio, Melissa Larsen, Wayne Mulei, Daniel Ortega, Troy Owen, Nathan Penrod, Stephanie Roberts, Melissa Ruyle, Dustin Shreve, Casey Strong, Lawrence Tam, Douglas Turley, Rebecca Walls, Cristian Baca, Daryl Berkley, Richardo Cadillo, Andres Collazo, Joshua Flippo, Jose Gonzalez, Will Goodrich, Raul Guzman, Michael James, Glenna Keene, Eddy Lopez, Gina Mollinet, Tawny Parker, Matthew Peterson, Jamar Walker, Charlemagne Alegre, Kyle Bridges, Jason Bronson, Cristy Goodman, Kevin Healy, Dennis Krause, Charles Mela, Jesse Northrop, Marcina Riley, Joseph Skipper, Shauna Smith,

Michael Teague, Jason Wysong, Aimee Adams, Robin Bergstrom, Amanda Bosch, Tara Bukszar, F. L. Busch, Douglas Carling, Tara Crouse, Sara Davis, Peter Gannon, Victor Garcia, Nicholas Hackstaff, Karin Hardegree, Lindsay Marshall, Christopher Mcgill, Pamela Moody, Dan Pacia, Jeffrey Peterson, Jeremy Phillips, Brad Pillsbury, Jessica Reese, Christina Sandoval, Tiffany Schwartzman, Tracey Sondag, Katherine Thompson, Joseph Trischetti, Joseph Uccelli, Jason Weaver and Tonya Yancey.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Skipper and Jason Weaver.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Linn.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Samuel Dickerson.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Aime Adams and Tiffany Schwartzman.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Hogan.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to La Rae Bringhurst.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Eddie Giron.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Morris.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Robertson.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Meruine.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 13, 1997 at 10:45 a.m.

Motion carried.

Assembly adjourned at 1:06 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 13, 1997

Assembly called to order at 10:52 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend William L. McCord.

Gracious Lord, I ask Your blessing on each of those gathered here this day. As the days of this legislative session increase in number may they receive the strength they need from You. May their powers of discernment have clarity as they seek what is right and just for all the people they represent. Give them the courage of their convictions and may they hear the inner word that brings peace, "well done thy good and faithful servant." To the God that makes all things possible we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 156, 309; Senate Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 51, 54 , 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was re-referred Assembly Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 201.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 12, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 102, 134, 159, 231, 241, 261, 328.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 29, 122 and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 13, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 36.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Motion carried.

Assembly in recess at 10:57 a.m.

ASSEMBLY IN SESSION

At 10:58 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 24—Memorializing long-time Nevada Legislator, Senator Keith Ashworth.

WHEREAS, It is with profound sadness and regret that members of the Nevada Legislature note the passing of their colleague Senator Keith Ashworth on September 30, 1996; and

WHEREAS, Lloyd Keith Ashworth was born in Kimberly, Nevada, on September 4, 1924, to Earl and Mary Jane Oxborrow Ashworth; and

WHEREAS, Keith Ashworth graduated from White Pine High School in Ely, Nevada, in 1943, and 2 years later married his high school sweetheart, Colleen Christensen; and

WHEREAS, After enlisting in the Army Air Corp, Keith Ashworth became a fighter pilot during World War II; and

WHEREAS, Keith Ashworth and his brother, Don, established the accounting firm known as Ashworth and Ashworth in Las Vegas; and

WHEREAS, He later joined the Del Webb Corporation and became Senior Vice President for Community and Government Relations; and

WHEREAS, More recently, as Executive Vice President of Nevada Power Company, Keith Ashworth had worked as a lobbyist for that company; and

WHEREAS, Keith Ashworth began his 18-year legislative career when he was elected to the Nevada Assembly in 1967, serving as Speaker of the Assembly during the 1973 and 1975 legislative sessions; and

WHEREAS, In 1976, Keith Ashworth was elected to the Senate, and as a Senator he served as chairman of the Taxation Committee, Human Resources and Facilities Committee and Government Affairs Committee and was selected to be chairman of the Legislative Commission on two occasions; and

WHEREAS, Senator Ashworth was respected by all who knew and worked with him, not only for his acute understanding and protection of the best interests of this state, but for his kind, cheerful and warm personality which always brought smiles to those he passed in the legislative hallways; and

WHEREAS, Keith Ashworth was a member of the Zelzah Shrine, Masonic Daylite Lodge, Jesters, Scottish Rites, Salvation Army and served as President of the Las Vegas Rotary Club, President and life member of the Las Vegas Jaycees, and was a member of the board of directors of the Las Vegas Chamber of Commerce, United Fund, American Bank of Commerce and Valley Hospital; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th Session of the Nevada Legislature express their heartfelt sympathy and sincere condolences to the family and friends of Senator Keith Ashworth; and be it further

RESOLVED, That Senator Ashworth will long be remembered with the highest regard by his fellow legislators for his compassion, his patient attention to the needs of others and his refreshing sense of humor; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Keith Ashworth's loving wife of 51 years, Colleen, and their sons, Glen, Ken and Brian.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Goldwater, Price, Carpenter, Perkins, Marvel, Collins, Bache, Ohrenschall and Giunchigliani.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Madam Speaker pro Tem, members of the House and our guests. It is a privilege for me to talk about my friend, Keith Ashworth. I remember the first day I met him in 1967. We served our first session together in the old Capitol Building. At that time, pre-session orientation amounted to getting on a bus and being taken around to see the historic sites and the restaurants in Carson City. Keith got off the bus, walked up to me and said, "Joe, I want to shake your hand. I'm one of those Clark County so-and-sos, but I'm not a bad guy." And he proved that.

Keith was a native Nevadan. He grew up in Ely and then went into the Air Force. Keith was in the accounting business in Las Vegas with his brother. Later on, he was a lobbyist and worked for Nevada Power Company.

I was talking to Mouryne the other day, and she said that Keith hired her for the Chief Clerk's job in 1973. A little joke between them was that she had said to him, "Well, I have never been Chief Clerk so I don't know if I can handle it or not." And Keith said to her, "Well, you don't have to worry. I've never been Speaker, either, but they won't know what we're doing, and we can always call a recess." That was his theory.

Keith gave me the training and the background to be in a leadership position. He gave me the privilege of leadership in 1973 when I served as Speaker pro Tem, and then in 1975, he allowed me to serve as Majority Leader. I also served as Chairman of the Committee on Government Affairs under Keith. I think Keith had a style of his own. If he trusted you, he would give you the shirt off his back, and that's the way he treated me as a committee chairman. He never came to me in Government Affairs and told me that I had to pass this bill or kill that bill. He trusted me to do the job for the citizens of Nevada, and that is all that interested him. I hope that I have relayed that same style to my chairmen.

Mrs. Brookman made a blooper one day and called Keith "Mr. Spooker." That stayed with him for a good number of years. I understand that the first session Keith was Speaker, the Sergeant at Arms he hired had long hair. Keith took him to his barber in Las Vegas for a haircut.

Keith worked on some tough legislation and he did the things that were right. He was the chairman of the Legislative Commission the year we did TRPA. He went out of his way to do a good job, and when he was in this House, he was an outstanding leader. He certainly helped us through some tough times in the '60s and early '70s with his leadership.

The thing that Keith really liked to do best was to come here every morning and give me some advice about how I ought to run the session. That was always kind of funny. I don't have that this year; maybe that's why we're going a little slower. Keith would also go to see the Chief Clerk and give her his advice on what I ought to be doing.

When we had the old roll call board in Chambers, Keith thought he was the only guy who could fix it. When it was originally installed, Keith was Speaker and he learned how to make a few adjustments when it went out; so if it went out, he'd come running down here to fix it. Now we don't have a fixer, and instead of the old board, we've got this thing—and we don't know whether it's going to work or not every time we punch it.

Keith and I had great experiences together in life, both professionally and as friends. On behalf of the Assembly, I would like to extend our regards to Keith's family.

Although the pain of your loss will never go away, we hope that time will ease your grief. We're so happy you came here with us, and we hope that everybody supports the resolution.

ASSEMBLYMAN GOLDWATER:

I rise in support of ACR 24. Keith Ashworth was a fine gentleman. I've known him most of my life. When I got involved in politics, he was one of the first people to call and congratulate

me. He asked to talk and meet with me, and I was extremely nervous. Keith's smile, his tone of voice and his mannerisms made me feel like everything would be okay. He was a fine gentleman, a true Nevadan and generally a great guy.

ASSEMBLYMAN PRICE:

I am pleased to have the opportunity to say a few words about Keith, of whom I, and many others, were so very fond. In addition to echoing the Speaker on what a great legislator Keith was, I'll have to tell you about my first political beginnings with Keith.

As most of my colleagues and friends know, I came out of the labor movement.

When I was first elected in 1974, Keith had been the Speaker the prior session and was attempting—and he did, in fact, make some history—to become the first legislator, the first House member in our state to serve as Speaker two times in a row. Historically, Nevada had had a Speaker for one session only up until Keith, and later, of course, Mr. Dini. Keith was vying to become Speaker for the second time. As I indicated, I came out of labor, and Chet Christensen, another very fine assemblyman who recently passed away, was also vying to be Speaker. Chet, of course, had the labor background, and the labor people were backing Chet. Now, I knew nothing; I had driven to Carson City and I knew nothing about politics. I thought, "Well, if my labor buddies were supporting Chet Christensen, whoever he is, well, he must be the person." I came up here and I supported Chet; Keith, of course, had more than adequate votes and became Speaker. Keith did a great service for me, and I say this jokingly, but it worked out so well. He appointed me to probably the most important committee to the City of North Las Vegas, the Agriculture Committee. As things always have a way of working out, Senator Hickey was chairing the Agriculture Committee that year. He was a person who always believed in taking hearings around the state and going out and meeting Nevadans in all the various cities. In actual fact, this became the first time that I actually got to know Nevada by going to all of the towns—Winnemucca, Elko, and Ely and everyplace else—and so it was really, in the final analysis, a wonderful experience. Keith, of course, went over to the Senate and was an excellent senator.

I can tell you that all of us who worked with Keith had nothing but the highest respect for him. Nevada is fortunate to have had someone of his caliber serving us for those years, and I certainly strongly support ACR 24.

ASSEMBLYMAN CARPENTER:

I, too, stand in support of ACR 24. When I came to the Assembly, I was strictly a novice. Keith Ashworth and I had some roots back to rural Nevada, both graduating from White Pine High School. Whenever I asked Keith for advice, he gave it to me truthfully and just the way it was. I'll always remember him as a great gentleman and a real friend.

ASSEMBLYMAN PERKINS:

I, too, rise in support of the resolution. Like our colleague from Elko, I certainly appreciated Mr. Ashworth's candor and his approach whenever you had a question for him.

The one thing I do remember most about Keith, however, is his compassion. Away from this body, I had an opportunity to interact with Keith as it related to a power issue. During my service as a police officer, we happened across a family who was using power in a way that is not quite legal in our state, but they did it because, number one, they did not have the funds to pay their bill, and number two, they had a small child that needed the power for a machine that actually kept the child alive. When I contacted Keith in regard to that situation, he was very helpful; he made contact with the family for me and actually rectified their situation so that that child could have the power that it needed for the equipment that sustained his life.

We have folks here that have many, many memories of Keith and the things he contributed to our state. The resolution says it best. Keith will go down in our history as one of the great legislators of our time.

Thank you, Madam Speaker pro Tem.

ASSEMBLYMAN MARVEL:

I, too, rise in support of ACR 24. It was a pleasure to serve with Keith, not only in the Legislature, but also to have Keith out in the halls as a lobbyist. My son also had the pleasure of serving with Keith on the Nevada Tax Commission.

I will always remember that Keith was quite a gourmet chef during the sessions. Senator Glaser and I used to save these little goodies from our brandings, and everybody in the Legislature used to look forward to mountain oysters. You wouldn't tell those people who didn't know what mountain oysters were. I think Keith had about 63 people enjoying mountain oysters before it was over with.

Keith will be missed very, very dearly. Probably one of his most brilliant strokes was when he changed parties from Democrat to Republican.

ASSEMBLYMAN COLLINS:

I rise, also, in support of ACR 24. I worked with Keith in the legislature in 1993, and I also knew him when I was an employee at Nevada Power Company. Keith always talked to you straight. Although I wasn't here in 1995, Keith was still a good friend. We could sit at a shareholders' meeting, eat a cookie that we both knew we didn't need and have a good time together. I'm very grateful for his influence on me, both on local issues in southern Nevada as well as in the Legislature.

Keith was also a constituent in Assembly District 1, so I wanted to rise in support of this resolution and express that he will be missed.

ASSEMBLYMAN BACHE:

I rise, too, in support of this resolution. Back in the late '70s and '80s, I appreciated Mr. Ashworth for his ability and what he did as a legislator. Now that I, too, am serving here in my fourth term, his ability as a lobbyist was something I greatly appreciated. Keith would not only argue for his clients. Afterwards, he would come and talk to me and tell me what he would do as a legislator, forgetting his position as a lobbyist on that particular issue. I miss Keith and the sage advice and wisdom that he could have provided me this session.

ASSEMBLYWOMAN OHRENSCHALL:

I, too, have known Keith Ashworth for a long, long time. He gave me a lot of valuable advice. He helped in many ways. His last act that I know of, just before he went into the hospital, was to return my call and to try to help a family in my district that needed help just on a general humanitarian basis. He was a great man.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Just prior to my colleague, I was going to say, "Wait a minute. Something is wrong here with this picture. No woman has stood up to speak in behalf of Keith and to remember him." I know that Keith had a very good working relationship with many of the women up here, both lobbyists as well as in the Assembly. I just want to say that I think he'd get a kick out of it.

The main thing I remember about Keith was his sense of humor. He loved to tease. He always had just a little twist or a little tweak or a little way to say something. He was always a gentleman, and I think that was the key to his success. He was able to work with both sides regardless of party.

As a final note, I would say that Papa Gar's probably thanks Keith immensely for all the years that he held many, many meetings at that place. It is always a delight to still go in there and have a bite of breakfast or something and look at all the pictures on the wall with him and Robbie Robinson. I do acknowledge to the family that he is missed, but he was a good friend to many, many people.

ASSEMBLYMAN DINI:

It is indeed my pleasure to have the family of Keith Ashworth here with me today. His wife, Colleen, is here to my left. We also have son Glen and wife Karina, son Ken and wife Cindy; son Brian and wife Heidi; grandchildren Matthew, Justin, Cassidy and Megan; and friend Ann Busch. We are very happy that they all came to visit us today. I want to present this resolution to Colleen on behalf of the Assembly, and we have one for each of your sons. We're so happy that you did come today, because we wanted to honor Keith, and we wanted you to be here when we did it. As you can tell, Keith left a lot of fond memories here, and we hope that we helped refresh your mind about some of the things he did while he was here.

Resolution adopted.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 24 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Motion carried.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:22 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 36.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick and Goldwater.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 476—An Act relating to taxation; providing an exemption from the taxes for real and personal property of certain apprentice programs; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 477—An Act relating to health insurance; requiring certain policies of health insurance to include coverage for the management and treatment of diabetes; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 478—An Act relating to elections; authorizing the appointment of pollwatchers to observe the conduct of elections; authorizing

a registered voter who is physically disabled to designate a person to mark and sign an absent ballot on behalf of the voter under certain circumstances; providing a procedure for hearing and deciding a contest of the election of a legislator; increasing the period of residency for a candidate for public office; requiring a county clerk to publish notice before consolidating two or more contiguous election precincts; prohibiting the establishment of an absent ballot mailing precinct within the boundaries of an incorporated city; requiring a candidate for a nonpartisan office who receives a majority of the votes in a primary election or primary city election to be declared the nominee for that office; reducing the period for early voting by personal appearance; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblywoman de Braga:

Assembly Bill No. 479—An Act relating to taxation; revising the provisions governing the computation of the business tax to exclude certain employees; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 361 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 364.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 333.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sec. 4 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employer that is a nonprofit organization or a governmental agency other than a county school district and whose volunteers regularly render services to children shall:

(a) Adopt and enforce policies and procedures that:

(1) Prohibit a volunteer from being in a secluded environment with a child unless another adult reasonably has immediate and free access to the secluded environment; and

(2) Require each volunteer to read the policies and procedures and sign a form stating that he has read and understands them before beginning volunteer service for the employer;

(b) Establish an informational program for volunteers that:

(1) Is designed to familiarize each volunteer with the generally applicable policies and procedures;

(2) Sets forth specific behaviors that are, in relation to the specific activities that the volunteers will be engaging in with children, acceptable and unacceptable;

(3) Informs each volunteer that the children have been trained to recognize molestation and attempted molestation and report it; and

(4) Teaches each volunteer to recognize common strategies and situations used by molesters that can lead to attempted molestation;

(c) Establish an informational program for each child who desires to participate in regularly scheduled activities of the employer that is designed to be administered by the parent or guardian of the child to teach the child to:

(1) Recognize common strategies and situations used by molesters that can lead to molestation or attempted molestation;

(2) Resist attempts of child molesters; and

(3) Report persons who attempt molestation to the parent or guardian of a child or to another trusted adult; and

(d) Require, as a condition of participation by the child in the activities of the employer, that the parent or guardian of the child receive a copy of the policies and procedures and sign a form prepared by the employer affirming that the parent or guardian has read the policies and procedures and has discussed them with the child.

2. An employer may seek assistance concerning the duties imposed by this section from the division of child and family services of the department of human services pursuant to section 3 of this act.

3. As used in this section, "volunteer" means a person who renders time and services to an employer without compensation and whose course of duties regularly places that person in a position to:

(a) Exercise supervisory or disciplinary control over children; or

(b) Have direct access to or contact with children served by the employer.".

Amend sec. 4, page 2, line 23, by deleting: "*sections 2 and 3*" and inserting "*section 1*".

Amend sec. 4, page 2, line 32, by deleting the brackets.

Amend sec. 4, page 2, by deleting lines 39 and 40.

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 3, following sec. 4, to read as follows:

"Sec. 3. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The administrator shall, by regulation, establish a program to support the effort of the State of Nevada to protect children from child molesters as set forth in section 1 of this act. The program may include, without limitation, the development of:

(a) Sample documents and language for use by employers who are developing forms, policies and procedures, or other documents in accordance with section 1 of this act; and

(b) A uniform system of identifying persons who have participated in an informational program for volunteers that is sufficient to meet the requirements of paragraph (b) of subsection 1 of section 1 of this act.

2. The administrator may take such other actions as he deems appropriate to increase public awareness of the issue of protecting children from child molesters.".

Amend the title of the bill to read as follows: "An Act relating to sexual offenses; requiring certain employers whose volunteers regularly render services to children to adopt certain policies and procedures and to establish certain informational programs for volunteers and children related to the prevention of the molestation of children; requiring certain parents and guardians to read such policies and procedures to their children as a condition to participation by the child in certain activities of the employer; requiring the administrator of the division of child and family services of the department of human resources to establish a program to support the effort to protect children from child molesters; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning protection of children from molestation committed by volunteers of certain employers. (BDR 14-86)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 142 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Assembly Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 311.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. On or before September 1, 1997, the board of trustees of a school district in a county whose population is 100,000 or more shall:

1. Establish and maintain a toll-free telephone number for members of the general public to report anonymously any incident or occurrence in the school district involving the apparent waste of goods, products, money or other financial resources of a public school or of the school district, or both;

2. Ensure that all information reported pursuant to subsection 1 is kept confidential;

3. Cause the posting in each public school in the school district of appropriate signs designed to provide continual notice of the availability of the telephone number and its purpose;

4. Cause information regarding the availability of the telephone number and its purpose to be published on or before September 1, 1997, and on or before July 1, 1998, in a newspaper of general circulation in the county in which the school district is located;

5. Provide written notice of the availability of the telephone number and its purpose to the parent or legal guardian of each pupil who is enrolled in a public school in the school district at the beginning of each school year; and

6. At least twice each month, review the number of telephone calls received from members of the general public using the telephone number and evaluate the benefit, if any, of receiving those telephone calls in correcting and reducing waste in the school district.

Sec. 2. On or before December 31, 1998, the board of trustees of each school district that is required to establish and maintain a toll-free telephone number pursuant to section 1 of this act shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the 70th session of the Nevada Legislature. The written report must include an evaluation of the effectiveness of the telephone calls received from members of the general public using the toll-free telephone number in correcting and reducing waste in the school district.

Sec. 3. 1. There is hereby appropriated from the state general fund to the Department of Education the sum of $78,935 for distribution among the boards of trustees of the school districts that are required to establish and maintain a toll-free telephone number pursuant to section 1 of this act. The money must be used by the boards of trustees to carry out the duties prescribed in section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after December 31, 1998, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 4. This act becomes effective on July 1, 1997, and expires by limitation on December 31, 1998.".

Amend the title of the bill, third line, after "resources;" by inserting: "making an appropriation;".

Amend the summary of the bill, third line, by deleting "(BDR 34-856)" and inserting "(BDR S-856)".

Assemblywoman Von Tobel moved the adoption of the amendment.

Remarks by Assemblywoman Von Tobel.

Amendment adopted.

Assemblyman Williams moved that Assembly Bill No. 177 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 272.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 332.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The operator of a motor vehicle, when passing a bus, shall not prematurely enter the lane of traffic in which the bus is proceeding or otherwise maneuver the motor vehicle so as to cause the driver of the bus to:

(a) Stop the bus abruptly;

(b) Swerve or take any other evasive action intended to avoid a collision; or

(c) Be involved in an accident.

2. As used in this section, "bus" means a school bus or a bus owned by a public transit system.

Sec. 2. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.".

Amend the title of the bill to read as follows: "An Act relating to traffic laws; prohibiting an operator of a motor vehicle, when passing a bus, from maneuvering the motor vehicle so as to cause the driver of the bus to engage

in evasive action or be involved in an accident; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Prohibits operator of motor vehicle from engaging in certain conduct that affects driver of bus. (BDR 43-87)".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 331.

Amend section 1, page 1, line 4, by deleting "2," and inserting: "2 [,] *or 3,*".

Amend section 1, page 2, after line 5, by inserting:

"*3. A person who is the age of 65 years or over who lives 65 miles or more from the court is exempt from serving as a grand or trial juror. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is the age of 65 years or over and lives 65 miles or more from the court, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.*".

Amend the title of the bill, second line, after "juror;" by inserting: "providing that a person who is the age of 65 years or over and who lives 65 miles or more from the court may be exempt from service as a grand or trial juror;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning exemption from service as grand or trial juror. (BDR 1-790)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 176.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman de Braga:

Assembly Bill No. 480—An Act making an appropriation for the relief of White Pine County School District; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 176.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 334.

Amend sec. 11, page 11, by deleting lines 19 through 21.

Amend sec. 11, page 11, line 22, by deleting "*3.*" and inserting "2.".

Amend sec. 11, page 11, line 24, by deleting "[3.] *4.*" and inserting "3.".

Amend sec. 11, page 11, line 27, by deleting "[4.] *5.*" and inserting "4.".

Amend sec. 11, page 11, line 30, by deleting "[5.] *6.*" and inserting "5.".

Amend sec. 11, page 11, line 33, by deleting "[6.] *7.*" and inserting "6.".

Amend sec. 11, page 11, line 36, by deleting "[7.] *8.*" and inserting "7.".

Amend sec. 11, page 11, line 37, by deleting "[8.] *9.*" and inserting "8.".

Amend sec. 11, page 11, line 40, by deleting "[9.] *10.*" and inserting "9.".

Amend the bill as a whole by renumbering sec. 17 as sec. 18 and adding a new section designated sec. 17, following sec. 16, to read as follows:

"Sec. 17. Section 2 of Assembly Bill No. 39 of this session is hereby amended to read as follows:

Sec. 2. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 [,] *and section 1 of this act,* if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 17 years of age, order the parent, guardian or custodian of the child, and any brothers, sisters or other persons living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, alone or together with the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance

after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. At any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.".

Amend the title of the bill, by deleting the third and fourth lines and inserting: "alcohol;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 176 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Ways and Means.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblymen Ernaut and Goldwater.

Roll call on Assembly Bill No. 364:

YEAS—41.

NAYS—Collins.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 335.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"*1. Only a public agency may exercise the general power of eminent domain. The power of eminent domain may be exercised by a person who is not a public agency only if the person is authorized by a specific statute to do so.*".

Amend the title of the bill, first and second lines, by deleting: "for byroads to" and inserting: "by persons who are not".

Amend the summary of the bill, first line, by deleting: "for byroads to" and inserting: "by persons who are not".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, Buckley, Lambert, Price and Anderson.

Assemblyman Price requested that Assemblyman Bache's remarks be entered in the Journal.

Thank you, Mr. Speaker. Through you to the representative from District 29. Yes, it is my intent to prohibit homeowners' associations from being able to use the power of eminent domain, yes.

Assemblyman Anderson moved that Assembly Bill No. 361 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 68, 98, 178, 202, 249 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Harger, William Schaffer, Michelle Zirbel, Vickie Padilla, Patricia Madison, Francine Taylor, Elizabeth Reese, Xians Yan Mar, Beverly Sharp, Angelica Aparicio, Zachary Carter, Paul Cody, Tyler Cross, Maxwell Floyd, Stephanie Harger, Joshua Herzer, Christopher Hines, Jimmie Mar, Jennifer Martin, Chelzie Mendonca, Arnold Mira, Valerie Padilla, Cory Parker, Wesley Rasmussen, Amanda Reese, Jim Robinson, Leland Schaffer, Dannyn Smith, Niantara Summers, Rosemary Tavares, Lindsay Welty and Chelsea Zirbel.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Lilliam Hickey.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Ashworth, Glen Ashworth, Karina Ashworth, Ken Ashworth, Cindy Ashworth, Brian Ashworth, Heidi Ashworth, Matthew Ashworth, Justin Ashworth, Cassidy Ashworth, Megan Ashworth and Ann Busch.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Barnum.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Harry Swanson and Louis Capurro.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Perry, Jr.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Marian Howard, Barbara Lespade, Karen Knisley and Ray Knisley.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Hickey.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Ralph Keetch and Diane Keetch.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Schofield.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Alfred Alleman, Wilbur Faiss and John Ponticello.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to James Bailey.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, May 14, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:30 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 14, 1997

Assembly called to order at 10:51 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Jeffrey D. Paul.

Almighty God, give to the members of our Assembly courage, wisdom and foresight to provide for the needs of all our people; to promote their well-being and dignity; and to fulfill our obligations in all the communities of the State of Nevada; in Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bill No. 158; Senate Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 13, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended and on this day passed, as amended, Assembly Bill No. 32 and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 24.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 34, 180, 194.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Motion carried.

Assembly in recess at 10:57 a.m.

ASSEMBLY IN SESSION

At 10:59 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Transportation:

Assembly Joint Resolution No. 11—Urging Congress to continue transportation enhancement projects in the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991.

WHEREAS, Congress is currently considering the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991; and

WHEREAS, The Intermodal Surface Transportation Efficiency Act of 1991 established a new vision for transportation in the United States by declaring that the national transportation system should be intermodal in character, economically efficient, environmentally sound and socially responsive; and

WHEREAS, The Intermodal Surface Transportation Efficiency Act of 1991 provides for the funding of transportation enhancement projects, or activities related to transportation that are designed to strengthen the cultural, aesthetic and environmental aspects of the country's transportation system; and

WHEREAS, Transportation enhancement projects add community or environmental value to any active or completed transportation project, and include:

1. Facilities for pedestrians and bicycles;
2. The acquisition of scenic easements and scenic or historic sites;
3. Scenic or historic highway programs;
4. Landscaping and other scenic beautification;
5. Historic preservation;
6. The rehabilitation and operation of historic transportation buildings, structures or facilities, including railroad facilities and canals;
7. The preservation of abandoned railway corridors and the conversion of such corridors to other uses;
8. The control and removal of outdoor advertising;
9. Archaeological planning and research; and
10. The mitigation of water pollution resulting from highway runoff; and

WHEREAS, Transportation enhancement projects enjoy broad popular support and have benefited the cities and counties of Nevada by improving the quality of life and economic development of those cities and counties; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 69th Session of the Nevada Legislature urge Congress, in considering reauthorization, to maintain the course set by the Intermodal Surface Transportation Efficiency Act of 1991 through dedicated funding for transportation enhancement projects within the successor to the act; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblywoman Chowning moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Assembly Concurrent Resolution No. 10.

Assemblywoman de Braga moved the adoption of the resolution.

Remarks by Assemblywoman de Braga.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Neighbors, Segerblom, Collins, Chowning, Evans, Price, Koivisto, Braunlin, Parks, Ohrenschall, Lee, Bache, Anderson, Arberry, Giunchigliani, Goldwater, Amodei, Manendo and Berman:

Assembly Bill No. 481—An Act relating to the public employees' retirement system; reducing the number of years of service required for the retirement of police officers and firemen; raises the amount of retirement benefit for certain police officers and firemen; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 482—An Act relating to the tax on motor vehicle fuel; providing in skeleton form for the collection of the tax on certain types of motor vehicle fuel at the terminal rack by suppliers of those types of fuel; prohibiting exporters of certain types of motor vehicle fuel from selling or distributing those types of fuel in this state; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 483—An Act relating to telecommunication services; requiring the advocate for customers of public utilities to perform certain duties concerning telecommunication services in this state; imposing a monthly surcharge on telephone service to pay for the costs of carrying out such duties; authorizing the telephone companies and suppliers who collect the surcharge to retain an amount from the surcharge equal to their cost in collecting the surcharge; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 484—An Act relating to property; revising the provisions governing certain procedures for summary eviction; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 34.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

Senate Bill No. 180.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 194.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 342.

Amend section 1, page 1, line 2, by deleting "23," and inserting "27,".

Amend the bill as a whole by deleting sections 3 through 8, renumbering sec. 9 as sec. 8 and adding new sections designated sections 3 through 7, following sec. 2, to read as follows:

"Sec. 3. "Health care plan" means a policy, contract, certificate or agreement offered or issued by a managed care organization to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

Sec. 4. "Insured" means a person who receives benefits under a health care plan.

Sec. 5. "Managed care" means a system for delivering health care services that encourages the efficient use of health care services by using employed or independently contracted providers of health care and by using various techniques which may include, without limitation:

1. Managing the health care services of an insured who has a serious, complicated, protracted or other health-related condition that requires the use of numerous providers of health care or other costly services;
2. Providing utilization review;
3. Offering financial incentives for the effective use of health care services; or
4. Any combination of those techniques.

Sec. 6. "Managed care organization" means any insurer or organization authorized pursuant to this Title to conduct business in this state that provides or arranges for the provision of health care services through managed care.

Sec. 7. "Primary care physician" means a physician or group of physicians who:

1. Provides initial and primary health care services to an insured;
2. Maintains the continuity of care for the insured; and
3. May refer the insured to a specialized provider of health care.".

Amend the bill as a whole by adding a new section designated sec. 9, following sec. 9, to read as follows:

"Sec. 9. "Utilization review" means the various methods that may be used by a managed care organization to review the amount and appropriateness of the provision of a specific health care service to an insured.".

Amend sec. 10, page 2, by deleting lines 28 through 31 and inserting: "and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health".

Amend sec. 10, page 2, by deleting lines 36 and 37 and inserting: "organization shall comply with any".

Amend sec. 11, pages 2 and 3, by deleting lines 39 through 44 on page 2 and lines 1 through 10 on page 3 and inserting:

"Sec. 11. Each managed care organization shall authorize coverage of a health care service that has been recommended for the insured by a provider of health care acting within the scope of his practice if that service is covered by the health care plan of the insured, unless:

1. The decision not to authorize coverage is made by a physician who:

(a) Is licensed to practice medicine in the State of Nevada pursuant to chapter 630 of NRS;

(b) Possesses the education, training and expertise to evaluate the medical condition of the insured; and

(c) Has reviewed the available medical documentation, notes of the attending physician, test results and other relevant medical records of the insured.

The physician may consult with other providers of health care in determining whether to authorize coverage.

2. The decision not to authorize coverage and the reason for the decision have been transmitted in writing in a timely manner to the insured, the provider of health care who recommended the service and the primary care physician of the insured, if any.".

Amend sec. 12, page 3, by deleting lines 11 through 13 and inserting:

"Sec. 12. 1. Each managed care organization shall establish written criteria:".

Amend sec. 12, page 3, lines 14 and 15, by deleting "or deny".

Amend sec. 12, page 3, line 16, by deleting "assuring" and inserting: "reviewing standards for".

Amend sec. 12, page 3, by deleting lines 19 through 25 and inserting:

"(a) Developed with the assistance of practicing providers of health care;

(b) Developed using generally recognized and, if appropriate, specialized clinical principles and processes;

(c) Reviewed at least one time each year and, if appropriate, updated; and

(d) Made available to an insured for review upon request of the insured any time that the managed care organization denies coverage of a specific health care service to the insured.".

Amend the bill as a whole by renumbering sections 13 through 20 as sections 16 through 23 and adding new sections designated sections 13 through 15, following sec. 12, to read as follows:

"Sec. 13. Each managed care organization shall:

1. Develop and maintain written policies and procedures setting forth the manner in which it conducts utilization review; and

2. Require any person with whom it subcontracts to provide utilization review to use the same policies and procedures developed pursuant to subsection 1.

Sec. 14. 1. Each managed care organization shall establish a quality assurance program designed to direct, evaluate and monitor the effectiveness

of health care services provided to its insureds. The program must include, without limitation:

(a) A method for analyzing the outcomes of health care services;

(b) Peer review;

(c) A system to collect and maintain information related to the health care services provided to insureds;

(d) Recommendations for remedial action; and

(e) Written guidelines that set forth the procedures for remedial action when problems related to quality of care are identified.

2. Each managed care organization shall:

(a) Maintain a written description of the quality assurance program established pursuant to subsection 1, including, without limitation, the specific actions used by the managed care organization to promote adequate quality of health care services provided to insureds and the persons responsible for such actions;

(b) Provide information to each provider of health care whom it employs or with whom it contracts to provide health care services to insureds regarding the manner in which the quality assurance program functions;

(c) Provide the necessary staff to implement the quality assurance program and to evaluate the effectiveness of the program; and

(d) At least one time each year, review the continuity and effectiveness of the quality assurance program, review any findings of the quality improvement committee established pursuant to section 15 of this act and take any reasonable actions to improve the program.

3. Each managed care organization is responsible for an activity conducted pursuant to its quality assurance program, regardless of whether the managed care organization or another entity performs the activity.

Sec. 15. 1. As part of a quality assurance program established pursuant to section 14 of this act, each managed care organization shall create a quality improvement committee directed by a physician who is licensed to practice medicine in the State of Nevada pursuant to chapter 630 of NRS.

2. Each managed care organization shall:

(a) Establish written guidelines setting forth the procedure for selecting the members of the committee;

(b) Select members pursuant to such guidelines; and

(c) Provide staff to assist the committee.

3. The committee shall:

(a) Select and review appropriate medical records of insureds and other data related to the quality of health care provided to insureds by providers of health care;

(b) Review the clinical processes used by providers of health care in providing services;

(c) Identify any problems related to the quality of health care to insureds; and

(d) Advise providers of health care regarding issues related to quality of care.".

Amend sec. 13, page 3, by deleting lines 26 through 28 and inserting:

"Sec. 16. A managed care organization shall not restrict or interfere with any communication between a provider of ".

Amend sec. 14, pages 3 and 4, by deleting lines 31 through 44 on page 3 and lines 1 through 7 on page 4 and inserting:

"Sec. 17. A managed care organization shall not terminate a contract with, demote, refuse to contract with or refuse to compensate a provider of health care solely because the provider, in good faith:

1. Advocates in private or in public on behalf of a patient;

2. Assists a patient in seeking reconsideration of a decision by the managed care organization to deny coverage for a health care service; or

3. Reports a violation of law to an appropriate authority.".

Amend sec. 15, page 4, by deleting lines 8 through 13 and inserting:

"Sec. 18. 1. A managed care organization shall not offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay specific medically necessary health care services to an insured.

2. Nothing in this section prohibits an arrangement for payment between a managed care organization and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide an incentive to the provider of health care to use health care services effectively and consistently in the best interest of the health care of the insured.".

Amend sec. 16, page 4, by deleting lines 14 through 30 and inserting:

"Sec. 19. 1. Each managed care organization shall provide coverage for medically necessary emergency services.

2. A managed care organization shall not require prior authorization for medically necessary emergency services.

3. As used in this section, "medically necessary emergency services" means health care services that are provided to an insured by a provider of health care after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity that a prudent person would believe that the absence of immediate medical attention could result in:

(a) Serious jeopardy to the health of an insured;

(b) Serious jeopardy to the health of an unborn child;

(c) Serious impairment of a bodily function; or

(d) Serious dysfunction of any bodily organ or part.

4. A health care plan subject to the provisions of this section that is".

Amend sec. 16, page 4, line 33, by deleting "policy" and inserting "plan".

Amend sec. 17, pages 4 and 5, by deleting lines 35 through 43 on page 4 and lines 1 through 3 on page 5 and inserting:

"Sec. 20. Each managed care organization shall employ or contract with a physician who is licensed to practice medicine in the State of Nevada pursuant to chapter 630 of NRS to serve as its medical director.".

Amend sec. 18, page 5, by deleting lines 5 through 20 and inserting: "with the commissioner or the state board of health, each managed care organization shall file with the commissioner and the state board of health, on or before March 1 of each year, a report regarding its methods for reviewing the quality of health care services provided to its insureds.

2. Each managed care organization shall include in its report the criteria, data, benchmarks or studies used to:

(a) Assess the nature, scope, quality and staffing of health care services provided to insureds; or

(b) Determine any reduction or modification of the provision of health care services to insureds.

3. Except as already required to be filed with the commissioner or the state board of health, if the managed care organization is not owned and operated by a public entity and has more than 100 insureds, the report filed pursuant to subsection 1 must include:

(a) A copy of all of its quarterly and annual financial reports;".

Amend sec. 19, page 5, by deleting lines 30 through 36 and inserting:

"Sec. 22. Any person who receives, collects, disburses or invests money for a managed care organization is responsible for such money in a fiduciary relationship to the insured.".

Amend sec. 20, pages 5 and 6, by deleting lines 37 through 44 on page 5 and lines 1 through 18 on page 6 and inserting:

"Sec. 23. 1. Each managed care organization shall establish a system for resolving complaints of an insured concerning:

(a) Payment or reimbursement for covered health care services;

(b) Availability, delivery or quality of covered health care services, including, without limitation, an adverse determination made pursuant to utilization review; or

(c) The terms and conditions of a health care plan.

The system must be approved by the commissioner in consultation with the state board of health.

2. If an insured makes an oral complaint, a managed care organization shall inform the insured that if he is not satisfied with the resolution of the complaint, he must file the complaint in writing to receive further review of the complaint.

3. Each managed care organization shall:

(a) Upon request, assign an employee of the managed care organization to assist an insured or other person in filing a complaint or appealing a decision of the review board;

(b) Authorize an insured who appeals a decision of the review board to appear before the review board to present testimony at a hearing concerning the appeal; and

(c) Authorize an insured to introduce any documentation into evidence at a hearing of a review board and require an insured to provide the documentation required by his health care plan to the review board not later than 5 business days before a hearing of the review board.

4. The commissioner or the state board of health may examine the system for resolving complaints established pursuant to this section at such times as either deems necessary or appropriate.".

Amend the bill as a whole by renumbering sections 21 through 23 as sections 25 through 27 and adding a new section designated sec. 24, following sec. 20, to read as follows:

"Sec. 24. 1. A system for resolving complaints created pursuant to section 23 of this act must include, without limitation, an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members of the review board must be insureds who receive health care services from the managed care organization.

2. Except as otherwise provided in subsection 3, a review board shall complete its review regarding a complaint or appeal and notify the insured of its determination not later than 30 days after the complaint or appeal is filed, unless the insured and the review board have agreed to a longer period of time.

3. If a complaint involves an imminent and serious threat to the health of the insured, the managed care organization shall inform the insured immediately of his right to an expedited review of his complaint. If an expedited review is required, the review board shall notify the insured in writing of its determination within 72 hours after the complaint is filed.

4. Notice provided to an insured by a review board regarding a complaint must include, without limitation, an explanation of any further rights of the insured regarding the complaint that are available under his health care plan.".

Amend sec. 21, page 6, by deleting lines 19 through 21 and inserting:

"Sec. 25. 1. Each managed care organization shall submit to the commissioner and the state board of ".

Amend sec. 21, page 6, line 23, by deleting "20" and inserting "23".

Amend sec. 21, page 6, line 26, by deleting "any".

Amend sec. 21, page 6, line 34, by deleting: "and each insurer".

Amend sec. 22, page 6, by deleting lines 38 through 40 and inserting:

"Sec. 26. 1. Following approval by the commissioner, each managed care organization shall provide written notice to an insured, in clear and".

Amend sec. 22, page 6, line 42, after "a" by inserting "written".

Amend sec. 22, page 6, line 43, by deleting "20" and inserting "24".

Amend sec. 22, page 7, by deleting lines 1 and 2 and inserting:

"(a) At the time he receives his certificate of coverage or evidence of coverage;".

Amend sec. 22, page 7, line 3, by deleting "or insurer".

Amend sec. 22, page 7, line 7, by deleting "or insurer".

Amend sec. 22, page 7, by deleting lines 10 and 11.

Amend sec. 22, page 7, line 12, by deleting "(c)" and inserting "(b)".

Amend sec. 22, page 7, line 13, by deleting "a" and inserting "the".

Amend sec. 22, page 7, by deleting line 15 and inserting:

"(c) His right to file a written complaint.".

Amend sec. 22, page 7, between lines 15 and 16, by inserting:

"3. A written notice which is approved by the commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.".

Amend sec. 23, page 7, line 17, after "chapter" by inserting: ", other than medical records and other information relating to a specific insured,".

Amend the bill as a whole by renumbering sections 24 through 37 as sections 29 through 42 and adding a new section designated sec. 28, following sec. 23, to read as follows:

"Sec. 28. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. [Any] *Except as otherwise provided in section 19 of this act, a* contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care [under] *pursuant to* this section for approval by the commissioner; and

(b) Respond to any request for approval by the insured or member [under] *pursuant to* this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.".

Amend sec. 24, page 7, line 19, by deleting: "25, 26 and 27" and inserting: "30, 31 and 32".

Amend sec. 25, page 7, line 25, by deleting "*and*" and inserting ", *a*".

Amend sec. 25, page 7, by deleting lines 32 through 35 and inserting: "*either deems necessary or appropriate.*".

Amend sec. 26, page 7, line 39, by deleting "*25*" and inserting "*30*".

Amend sec. 27, page 8, line 11, by deleting "*Each*" and inserting: "*Following approval by the commissioner, each*".

Amend sec. 27, page 8, line 14, after "*a*" by inserting "*written*".

Amend sec. 27, page 8, by deleting line 16 and inserting:

"*(a) At the time he receives his evidence of coverage;*".

Amend sec. 27, page 8, line 24, by deleting "*a*" and inserting "*the*".

Amend sec. 27, page 8, line 25, after "*a*" by inserting "*written*".

Amend sec. 27, page 8, between lines 25 and 26, by inserting:

"*3. A written notice which is approved by the commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.*".

Amend sec. 28, page 8, line 27, by deleting: "29, 30 and 31" and inserting: "34, 35 and 36".

Amend sec. 29, page 8, line 34, by deleting "*and*" and inserting ", *a*".

Amend sec. 29, page 8, by deleting lines 41 through 44 and inserting: "*either deems necessary or appropriate.*".

Amend sec. 30, page 9, line 4, by deleting "*29*" and inserting "*34*".

Amend sec. 31, page 9, line 18, by deleting "*Each*" and inserting: "*Following approval by the commissioner, each*".

Amend sec. 31, page 9, line 21, after "*a*" by inserting "*written*".

Amend sec. 31, page 9, by deleting line 23 and inserting:

"*(a) At the time he receives his certificate of coverage or evidence of coverage;*".

Amend sec. 31, page 9, line 31, by deleting "*a*" and inserting "*the*".

Amend sec. 31, page 9, line 32, after "*a*" by inserting "*written*".

Amend sec. 31, page 9, between lines 32 and 33, by inserting:

"*3. A written notice which is approved by the commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.*".

Amend sec. 32, page 9, line 34, by deleting: "33, 34 and 35" and inserting: "38, 39 and 40".

Amend sec. 33, page 9, line 41, by deleting "*and*" and inserting ", *a*".

Amend sec. 33, page 10, by deleting lines 5 through 8 and inserting: "*either deems necessary or appropriate.*".

Amend sec. 34, page 10, line 12, by deleting "*33*" and inserting "*38*".

Amend sec. 35, page 10, line 27, by deleting "*Each*" and inserting: "*Following approval by the commissioner, each*".

Amend sec. 35, page 10, line 30, after "*a*" by inserting "*written*".

Amend sec. 35, page 10, by deleting line 32 and inserting:

"*(a) At the time he receives his certificate of coverage or evidence of coverage;*".

Amend sec. 35, page 10, line 41, by deleting "*a*" and inserting "*the*".

Amend sec. 35, page 10, line 42, after "*a*" by inserting "*written*".

Amend sec. 35, page 10, after line 42, by inserting:

"*3. A written notice which is approved by the commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.*".

Amend sec. 36, page 11, line 16, by deleting: "*and sections 20, 21 and 22 of this act.*"

Amend sec. 37, page 11, line 25, by deleting "*23,*" and inserting "*27,*".

Amend the bill as a whole by deleting sections 38 through 40, renumbering sec. 41 as sec. 44 and adding a new section designated sec. 43, following sec. 37, to read as follows:

"Sec. 43. NRS 695C.260 is hereby amended to read as follows:

695C.260 [1.] Every health maintenance organization shall establish a complaint system [which has been approved by the commissioner after consultation with the state board of health to resolve complaints initiated by enrollees concerning health care services. Such system shall provide reasonable procedures for the resolution of complaints. Each health maintenance organization shall submit to the commissioner and the state board of health an annual report in a form prescribed by the commissioner after consultation with the state board of health which shall include:

(a) A description of the procedures of such complaint system; and

(b) The total number of complaints handled through such complaint system and a compilation of causes underlying the complaints filed.

2. The health maintenance organization shall maintain records of complaints filed with it concerning other than health care services and shall submit to the commissioner a summary report at such times and in such format as the commissioner may require. Such complaints involving other persons shall be referred to such persons with a copy to the commissioner.

3. The commissioner or the state board of health may examine such complaint system, subject to the limitations concerning medical records of individuals set forth in subsection 3 of NRS 695C.310.] *which complies with the provisions of sections 23 to 26, inclusive, of this act.*".

Amend the bill as a whole by deleting the text of the repealed section.

Amend the title of the bill, by deleting the fourth and fifth lines and inserting: "that restrict the actions of a provider of health care; requiring such entities to provide coverage for medically necessary emergency services without requiring an insured to obtain any prior authorization for such services; requiring such".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblymen Buckley and Krenzer.

Conflict of interest declared by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 306.

Amend sec. 3, page 2, by deleting lines 11 through 14 and inserting:

"5. Willful disobedience of the law, or of the regulations of the state board of health [,] or of the [regulations of the Nevada state board of chiropractic examiners.] *chiropractic physicians' board of Nevada.*

6. Conviction of any offense involving moral turpitude, or the".

Amend sec. 3, page 2, line 17, by deleting " [7.] *6.*" and inserting "7.".

Amend sec. 3, page 2, line 19, by deleting " [8.] *7.*" and inserting "8.".

Amend sec. 3, page 2, line 22, by deleting " [9.] *8.*" and inserting "9.".

Amend sec. 3, page 2, line 24, by deleting " [10.] *9.*" and inserting "10.".

Amend sec. 3, page 2, line 26, by deleting " [11.] *10.*" and inserting "11.".

Amend sec. 3, page 2, by deleting lines 28 through 31 and inserting: "provision of this chapter [.] *or the regulations adopted by the board, or any other statute or regulation pertaining to the practice of chiropractic.*

12. Employing, directly or indirectly, any suspended or unlicensed".

Amend sec. 3, page 2, line 35, by deleting " [13.] *12.*" and inserting "13.".

Amend sec. 3, page 2, line 37, by deleting " [14.] *13.*" and inserting "14.".

Amend sec. 3, page 3, line 1, by deleting " [15.] *14.*" and inserting "15.".

Amend sec. 3, page 3, by deleting lines 5 through 8.

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 400.

Bill read second time and ordered to third reading.

Senate Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 337.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 5 and 6 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. NRS 569.010 is hereby amended to read as follows:

569.010 1. Except as otherwise provided by law, all estrays within this state shall be deemed for the purpose of this section to be the property of the division.

2. The division has all rights accruing pursuant to the laws of this state to owners of such animals, and may:

(a) Dispose of estrays by sale through an agent appointed by the division; or

(b) Provide for the control, placement or disposition of estrays through cooperative agreements pursuant to NRS 569.031.

3. Except as otherwise provided by law, all money collected for the sale or for the injury or killing of any such animals must be held for 1 year, subject to the claim of any person who can establish legal title to any animal concerned. All money remaining unclaimed must be deposited in the livestock inspection account after 1 year. The division may disallow all claims if the division deems the claims illegal or not showing satisfactory evidence of title.

4. [The] *Neither the* division *nor any political subdivision of this state* is [not] liable for any trespass or other damage *or injury* caused by any of such estrays.

Sec. 3. NRS 569.031 is hereby amended to read as follows:

569.031 The division may enter into a cooperative agreement for the control, placement or disposition of the livestock with [the] *another agency of this state or with a* county, city, town, township , [or other] peace officer [or poundmaster.] , *poundmaster or nonprofit organization.* If an agreement is entered into, it must provide for:

1. The responsibility for the payment of the expenses incurred in taking up, holding, advertising and making the disposition of the estray, and any damages for trespass allowed pursuant to NRS 569.440;

2. The disposition of any money received from the sale of the livestock; [and]

3. The protection of the rights of a lawful owner of an estray pursuant to NRS 569.040 to 569.130, inclusive [.] *; and*

4. The designation of the specific geographic area of this state to which the cooperative agreement applies.

The division shall annually review the actions of the cooperating person or entity for compliance with the agreement. The division may cancel the agreement upon a finding of noncompliant actions.

Sec. 4. NRS 569.040 is hereby amended to read as follows:

569.040 *1.* Except as otherwise provided in *subsection 2,* NRS 569.040 to 569.130, inclusive, or pursuant to a cooperative agreement established pursuant to NRS 569.031, it is unlawful for any person or his employees or agents, other than an authorized agent of the division, to [take] *:*

(a) Take up any estray and retain possession of it [.] *; or*

(b) Feed any estray.

2. For a first violation of paragraph (b) of subsection 1, a person may not be cited or charged criminally but must be reminded that it is unlawful to feed an estray.".

Amend sec. 3, page 2, line 21, by deleting "Given" and inserting: "[Given] *Held by the division until given*".

Amend sec. 3, page 2, after line 24, by inserting:

"*3. Estray horses must be marked or branded before placement.*".

Amend the bill as a whole by adding new sections designated sections 7 and 8, following sec. 3, to read as follows:

"Sec. 7. The amendatory provisions of this act do not apply to offenses that are committed before October 1, 1997.

Sec. 8. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.".

Amend the title of the bill to read as follows: "An Act relating to estrays; expanding the definition of "estray" to include sheep or other animals of the ovine species; expanding immunity from liability for trespass, damage or injury caused by an estray; expanding the list of entities with which the division of agriculture of the department of business and industry may enter into a cooperative agreement for the control, placement or disposition of estray livestock; making it unlawful to feed an estray; authorizing the division to sell an injured, sick or otherwise debilitated estray under certain circumstances; shortening the period during which an estray must remain unclaimed before it is sold or given a placement or other disposition; requiring that an estray horse be branded before it is placed; providing a penalty; and providing other matters properly relating thereto.".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblymen de Braga and Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 51.

Bill read second time and ordered to third reading.

Senate Bill No. 54.

Bill read second time and ordered to third reading.

Senate Bill No. 294.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 96 be taken from the Second Reading File and re-referred to the Committee on Commerce.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 291 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 12:52 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 291.

Bill read third time.

The following amendment was proposed by Assemblymen Sandoval, Anderson, Ernaut, Evans, Lambert, Freeman, Humke, Hickey and Gustavson:

Amendment No. 340.

Amend sec. 7, page 3, line 25, before "The" by inserting: "Before adopting a plan pursuant to this subsection, the board of county commissioners of a county in which a regional planning commission has been established pursuant to NRS 278.0262 shall transmit to the regional planning commission a list of the proposed projects for which a tax for infrastructure may be imposed. The regional planning commission shall hold a public hearing at which it shall rank each project in relative priority. The regional planning commission shall transmit its rankings to the board of county commissioners. The recommendations of the regional planning commission regarding the priority of the proposed projects are not binding on the board of county commissioners.".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblymen Sandoval, Hickey, Ernaut and Anderson.

Amendment adopted.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 343.

Amend sec. 7, pages 2 and 3, by deleting lines 42 through 44 on page 2 and lines 1 through 3 on page 3 and inserting:

"4. The board of county commissioners in a county whose population is 400,000 or more and in which a water authority exists shall review the necessity for the continued imposition of the tax authorized pursuant to this chapter at least once every 10 years.".

Amend sec. 18, page 9, line 25, by deleting "*may*" and inserting "*must*".

Amend sec. 18, page 9, line 26, by deleting "*or to*" and inserting "*and must*".

Amend sec. 18, page 9, line 27, by deleting "*or the*" and inserting "*and the*".

Amend sec. 18, page 9, by deleting line 30 and inserting:

"*(a) The rate or rates of the tax, which must not exceed one-quarter of 1 percent of the monthly water bill of customers of all residential classes and 5 percent of the monthly water bill of customers of all commercial classes and any other class;*".

Amend sec. 18, page 9, line 43, after "*5.*" by inserting: "*Subject to the provisions of this subsection, the governing body of the city may reduce the amount of the tax imposed pursuant to this section as the obligations of the city and the water authority allow. No ordinance imposing a tax which is enacted pursuant to this section may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax enacted pursuant to this section until those bonds or other obligations have been discharged in full.*

6. The governing body of the city shall review the necessity for the continued imposition of the tax authorized pursuant to this section at least once every 10 years.

7.".

Amend sec. 19, page 10, line 40, by deleting "*may*" and inserting "*must*".

Amend sec. 19, page 10, line 41, by deleting "*or to*" and inserting "*and must*".

Amend sec. 19, page 10, line 43, by deleting "*or*" and inserting "*and*".

Amend sec. 19, page 11, by deleting line 1 and inserting:

"*(a) The amount of the rate or charge, which must not exceed one-quarter of 1 percent of the monthly water bill of customers of all residential classes and 5 percent of the monthly water bill of customers of all commercial classes and any other class;*".

Amend sec. 19, page 11, line 15, after "*5.*" by inserting: "*Subject to the provisions of this subsection, the board of directors of the district may reduce*

the amount of the tax imposed pursuant to this section as the obligations of the district or the water authority allow. The board of directors of the district shall not repeal or amend or otherwise directly or indirectly modify the tax in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax imposed pursuant to this section until those bonds or other obligations have been discharged in full.

6. The board of directors of the district shall review the necessity for the continued imposition of the tax authorized pursuant to this section at least once every 10 years.

7.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Close.

Amendment adopted.

The following amendment was proposed by Assemblywoman Lambert:

Amendment No. 344.

Amend sec. 7, page 3, by deleting lines 4 through 7 and inserting:

"5. Before enacting an ordinance pursuant to this chapter, the board of county commissioners shall hold a public hearing regarding the imposition of a tax for infrastructure. In a county whose population is 400,000 or more and in which a water authority exists, the water authority shall also hold a public hearing regarding the tax for infrastructure. Notice of the time and place of each hearing must be:".

Amend sec. 7, page 3, by deleting lines 30 through 33 and inserting: "which a plan expires, the board of county commissioners shall determine whether a necessity exists for the continued imposition of the tax. If the board of county commissioners determines that the tax must be continued for a purpose set forth in section 14 of this act, the board shall adopt, in the manner prescribed in this subsection, a new plan for the expenditure of the proceeds of the tax.

7. No ordinance imposing a tax which is enacted pursuant to this chapter may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax enacted pursuant to this chapter until those bonds or other obligations have been discharged in full.".

Assemblywoman Lambert moved the adoption of the amendment.

Remarks by Assemblywoman Lambert.

Amendment adopted.

The following amendment was proposed by Assemblywoman Tiffany:

Amendment No. 339.

Amend sec. 7, page 2, by deleting lines 29 through 34 and inserting: "by a majority of the registered voters of the county voting upon the question which the board may submit to the voters at any general election. The board

shall also submit to the voters at a general election any proposal to increase the rate of the tax or change the previously approved uses for the proceeds of the tax. A previously approved use for the proceeds of the tax must not be changed to a use that is not authorized for that county".

Amend sec. 7, page 2, by deleting lines 40 and 41 and inserting: "which the voters approved the question.".

Assemblywoman Tiffany moved the adoption of the amendment.

Remarks by Assemblymen Tiffany, Goldwater, Carpenter, Mortenson, Perkins and Williams.

Assemblyman Goldwater requested that Assemblyman Perkins' remarks be entered in the Journal.

I rise in opposition to Amendment 339 to Assembly Bill 291. Mr. Speaker, we talk about disenfranchising our voters. In the municipal elections that just occurred, on the high end, we had a 20-percent turnout. That tells me that, for the most part, the people that we represent are not being heard. Mr. Speaker, I've got a fairly lengthy statement that speaks fairly directly to the amendment, but with your indulgence, I'd like to move to Order of Business 15.

It should be no surprise that I rise in support of AB 291. AB 291 began as a state-imposed one-quarter-cent-sales tax increase in Clark County to help fund the construction of the water delivery system in the Las Vegas area. As originally written, I would not support it; however, as amended, this bill is a potential tool for all Nevada counties to address their particular infrastructure needs. It is no longer state imposed. It was appropriately amended to allow all counties to take critical infrastructure issues back to our constituents and make funding decisions based upon those hearings—hearings in which the citizens we all represent will have a better opportunity to participate. Again, this bill does not raise a single tax. It provides the counties the ability to consider this revenue in a forum where all our constituents can better voice their opinions, those that vote and those that do not.

Most of the controversy has been about the Clark County portion of the bill, whether or not the funding is needed; whether or not the sales tax should be made available to Clark County as a part of that funding, and now to the rest of the state; whether or not we are advocating runaway growth; whether or not this is for special interests; and whether or not this is the right thing to do.

Ladies and gentlemen, let us lower ourselves from our ascension to arrogance back to our rightful place as humble public servants. Let us not forget how the original proposal ended up in Carson City. We hold the purse strings and won't let them go. A 24-person citizens' committee which included seniors, business people, a representative from the Nevada Taxpayers Association, labor, environmental representatives and many more, studied this issue for two years and determined this revenue source to be the best for that particular project. It continues with Nevada's philosophy that tourists who visit our state should help pay our bills. Let me emphasize that this proposal is supported by working men and women; business people, including the Las Vegas Chamber of Commerce; Seniors United; the Nevada Taxpayers Association; and many more. Ask yourselves this: When is the last time you saw the Las Vegas Chamber of Commerce and the Nevada Taxpayers Association advocate the ability for a county to levy a tax?

We are not debating whether or not to build this water system or better manage growth. Those are local decisions. Yes, we can provide some leadership in the growth arena, and I believe that we will before this session is over. But again, we are not debating building this system, just how it should be funded. If not the sales tax, then what? The alternatives appear to be water rates and water connection fees for new homes. The sales tax would mean an additional 12 cents on a $50 restaurant bill or $100 on a $40,000 car, neither of which are likely purchases for those low- or fixed-income people that we all need to look out for.

In our state, rent, mortgage payments, food and prescriptions are exempt from the sales tax, yet everyone—the rich and the poor have to pay their water bills. Most of us tend to look out for seniors, as we very well should. Let us not forget, however, about those new families just starting out. The two youngest of my five children are nine and 10 years old. Their youth and innocence is something I will always cherish. But I worry that 15 or 20 years from now, when they decide to have a family and want to buy a home—one of the most coveted moments in a young family's life—the price of a home will be $30,000 higher because this body did not have the courage or the leadership to make good public policy for years to come. Let me repeat that. Fifteen or 20 years from now when our children and, for some of us, our grandchildren, want to start a family and buy that first home, they won't be able to because this legislature did not have the foresight, the leadership and conviction to create the appropriate public policy.

I don't know about you, but I know my children have a lot of faith in me to come here and do the right thing. I remember when I sat down with my family, as I always do before a campaign, to decide if we were going to again run for office. As you all know, this is a "we" decision as it affects the entire family. I asked them, "Do we want to do this again?" You know, my 10-year-old daughter turned to me and she said, "Daddy, if you don't do it, who will?" I'll never forget that moment, ladies and gentlemen, and I often remember her trust when I have difficult decisions to make. How could anyone possibly look their loved ones in the eyes in 20 years and explain to them how they couldn't do the right thing, and that's why you cannot afford that new home. Mr. Speaker, you said it best last session when you said that the reason we are elected is to make the difficult decisions.

You know, Mr. Speaker, I truly respect those in this body who have an honest difference of opinion on this and other issues. This is not a partisan issue, and I applaud the Assistant Minority Leader and others on both sides of the aisle for their work on this bill. But when some elected members of this body only think ahead to the next election cycle or purposefully just make themselves an aggravation for superfluous political gain, we all are painted with the same brush, and this honorable institution is tarnished.

I hope for the sake of our state and its citizens, including seniors, children, grandchildren, and everyone in between, and for the sake of this institution that, believe me, ladies and gentlemen, will be here long after we are gone, that courage and leadership will prevail today. I urge you to defeat this amendment and support the bill when it comes back up. Thank you, Mr. Speaker.

Assemblymen Williams, Giunchigliani and Hettrick moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 339 to Assembly Bill No. 291.

Amendment lost.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 115, 350; Senate Bills Nos. 68, 98, 176, 178, 202, 249 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ohrenschall, Anderson, Buckley, Manendo, Perkins, Segerblom, Herrera, Collins, Berman, Koivisto, Carpenter, Sandoval, Amodei, Bache, Arberry, Chowning, Evans, Williams, Hickey, Price, de Braga, Giunchigliani, Close, Marvel, Neighbors, Humke, Goldwater, Parks, Krenzer, Mortenson and Lee:

Assembly Bill No. 485—An Act relating to actions concerning persons; revising the provisions governing immunity for a person engaging in a communication in furtherance of the right to petition; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 201.

The following Senate amendment was read:

Amendment No. 257.

Amend section 1, page 1, by deleting line 5 and inserting: "*as a political subdivision created by cooperative agreement:*

(a) The water authority must obtain approval for the bonds from the debt management commission of each county in which any member of the water authority that is obligated to make payments on the bonds of the water authority is located; and

(b) The members of".

Amend section 1, page 1, by deleting line 17 and inserting:

"*2. Notwithstanding the provisions of paragraph (a) of subsection 1, the obligations of the members of the water authority to the water*".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 201.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 22; Senate Bills Nos. 90, 125, 153.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Matejovsky and Clara Matejovsky.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Chaslain and Conrad Jamboni.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Charlie Cox and Carol Cox.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Fore, Courtney Bowland, Jessica Caisse, Anthony Christensen, Timothy Clisham, Anna Croke, Alison Dunleavy, Jessica Fleigle, Christopher Foti, Stefanie Hatcher, Nathaniel Hoch, Scotty Jones, Vicky Kalashian, Anton Kokunin, Brad Lipovsky, Alex Lurkins, Alan Mayoral, Brandon McCarthy, Ivonne Morales, Maria Olmos, Chris Pavich, Romana Croke, Jean Lurkins, Kathy Pavich, Stephanie Seppa, Susan Shay, Linda Lipovsky, Chelsea Spingola, Nick Summers, Elise Thomas, Kay Fagan, Nichole Adams, Jannette Bak, Chase Bartholomew, Steven Cheatham, Michael Chilton, Adam Cronis, Ashley Daws, Elise Ehrler, Devin Farnsworth, Jane Gibbs, Denisse Gonzalez, Jenna Hayes, Michael Komorowski, Christopher McGary, Danny Mitchell, Geoff Palmer, Jonathan Rodriguez, Daniel Sammons, Manuel Sanchez, Danny Shapiro, Sheila Adams, Ewa Bak, Gina Daw, Jan Shapiro, Charlene Summers, Daniel Roth, Elisa Seppa, Garrett Swearingen and Erika Van Schoyck.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Carman, Joseph Caron, Bradley Edwards, Jeannette Green, Benjamin Guild, James Johns, Ayonie Macarthur, Michael Miller, Catherine Parks, Maren Rush, Bianca Townsend, Matt Wong, Erik Fletcher, Lindsay Marshall, Sinead Caldwell, Samuel Cothrun, Shannon Disney, Breena Holcombe, Desiree Lapham, Christopher Leonard, Lisa Loomis, James Martinez, Shawna Myhre, Jennifer Navrkal, Matthew Pickens, Inglebert Salanguit, Marc Vetovitz, Brent Vetovitz and Barbara Fleisher.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Arnie Adamsen.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Judge.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Scalzi.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Martz.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Dianna Fyke.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, May 15, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:41 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 15, 1997

Assembly called to order at 10:43 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Jeffrey D. Paul.

Almighty God, You have given us this good land for our heritage: Grant that we may always prove ourselves mindful of Your favor. Bless our state and our sister state Taiwan with honorable industry, sound learning, and upright manners. Endue with the spirit of wisdom those to whom we entrust the authority of government, that there may be justice and peace for the common good; in Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bill No. 378; Senate Bills Nos. 87, 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 128, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 234, 336.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 215.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Assembly Bill No. 317 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 136 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 350 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing musical renditions by the Juniper Joy Choir.

Motion carried.

Assembly in recess at 10:51 a.m.

ASSEMBLY IN SESSION

At 11:06 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 37.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Collins, Parks, Carpenter, Gustavson, Segerblom, Amodei, Sandoval, Tiffany, Mortenson, Anderson, Close, Price, Giunchigliani, Hettrick, Koivisto, Krenzer, Herrera, Lee, Manendo, Berman, Nolan, Ohrenschall, Marvel, Neighbors, Williams, Arberry, Goldwater, Humke, Von Tobel, de Braga, Chowning, Lambert, Cegavske, Bache, Evans, Dini, Freeman, Braunlin, Ernaut and Perkins:

Assembly Joint Resolution No. 12—Urging Congress to adopt a "Rodeo Freedom Act."

WHEREAS, Within the State of Nevada, the sport of rodeo has great historical, cultural and social significance, and is an important attraction for domestic and foreign tourism; and

WHEREAS, Professional rodeos generate substantial economic activity and are significant sources of income, employment, recreation and enjoyment for Nevadans; and

WHEREAS, The sponsors associated with rodeos of the Professional Rodeo Cowboys Association assist in sustaining rodeos, making this sport affordable and accessible to millions of rodeo fans; and

WHEREAS, Despite the importance of such events to the economy of Nevada and to the economies of other western states, federal agencies have proposed restrictions upon the activities of sponsors, programs and advertising connected with rodeo events; and

WHEREAS, Such restrictions, if adopted, would jeopardize the financial viability of rodeos, causing considerable loss to tourism and related industries and interfering with the enjoyment of rodeo events by the millions of Americans who attend rodeos annually; and

WHEREAS, These restrictions would impose unconstitutional limitations on both commercial speech and the freedom of association of the membership of the Professional Rodeo Cowboys Association; and

WHEREAS, During the 104th session of Congress, Senators Richard Bryan and Harry Reid jointly introduced the "Rodeo Freedom Act of 1995," which, if enacted, would have prohibited

the regulation by the Secretary of Health and Human Services and the Commissioner of Food and Drugs of any activity of sponsors or sponsorship programs connected with, or any advertising used or purchased by, the Professional Rodeo Cowboys Association or any other professional rodeo association; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND THE SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature supports the efforts of Senators Richard Bryan and Harry Reid in this regard and urges the Nevada Congressional Delegation to continue to bring this issue before Congress; and be it further

RESOLVED, That the members of the 69th Session of the Nevada Legislature do hereby urge Congress to enact legislation patterned after the "Rodeo Freedom Act of 1995"; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblyman Collins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Krenzer and Evans:

Assembly Concurrent Resolution No. 25—Urging the agencies within the State of Nevada to cooperate to meet the needs of communities to encourage employment of as many of the residents of this state as is possible.

Assemblywoman Krenzer moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Concurrent Resolution No. 37.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick and Humke.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 486—An Act relating to pupils; revising the provisions governing the truancy of pupils; requiring the boards of trustees of school districts to create boards to review school attendance; increasing the fee for filing an action for divorce to pay for certain truancy programs and court-ordered health treatments; providing for the establishment of a curfew during school hours; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Ohrenschall, de Braga, Segerblom, Humke, Manendo and Gustavson:

Assembly Bill No. 487—An Act relating to traffic laws; authorizing the department of motor vehicles and public safety to issue a permit to a volunteer fireman and reserve member of a police department or a sheriff's office to operate a privately owned vehicle as an authorized emergency vehicle; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Ohrenschall, Anderson, Freeman, Price, Nolan, Carpenter, Sandoval, Manendo, Koivisto and Perkins:

Assembly Bill No. 488—An Act relating to child support; providing for the collection of delinquencies through private collection agencies rather than district attorneys under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 489—An Act relating to public water systems; requiring the fluoridation of certain public water systems in larger counties; authorizing the fluoridation of certain public water systems in smaller counties; directing the state board of health to adopt related regulations; imposing certain duties on the health division of the department of human resources; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Infrastructure:

Assembly Bill No. 490—An Act relating to land use; providing for the limitation of urban development in the Las Vegas Valley of Clark County; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 491—An Act relating to the state legislature; increasing the compensation of legislators; providing an allowance for certain expenses of legislators; revising certain provisions of the legislators' retirement system; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 492—An Act relating to older persons; requiring the welfare division of the department of human resources to establish and maintain a system of protective services for certain older persons who are victims of abuse, neglect or exploitation or who are unable to protect their own interests; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 493—An Act relating to the department of human resources; expanding the authority of the division of child and family services of the department to regulate certain facilities that provide resident care to children; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Tiffany, Hickey, Carpenter, Neighbors, Amodei, Humke, Close, Herrera, Buckley, Arberry, Berman, Parks, Gustavson, Lee, Chowning, Nolan, Mortenson, Manendo, Von Tobel and Ohrenschall:

Assembly Bill No. 494—An Act relating to motor vehicles; prohibiting a dealer of motor vehicles from obtaining a duplicate certificate of ownership of a motor vehicle under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 215.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 234.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 336.

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

Motion carried.

Assemblyman Hettrick announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing an address by Benjamin J. Y. Lo, Director General, Taipei Economic and Cultural Office, Taiwan, Republic of China.

Motion carried.

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 12:14 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 158.

Bill read second time.

Assemblyman Price moved that Assembly Bill No. 158 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 339.

Bill read second time.

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

Amendment No. 322.

Amend section 1, page 1, by deleting lines 5 through 12 and inserting: "*and hospital service coverage on behalf of a person who retired from the*

service of a school district with at least 5 years of service and is eligible for that coverage pursuant to NRS 287.023, 287.0235, 287.045 or 287.0475. Money received by an insurer pursuant to this subsection must be applied by the insurer to reduce the premium, membership cost or contribution that would otherwise be paid by the retired person.".

Amend section 1, page 1, by deleting line 14 and inserting: "*on behalf of a retired person pursuant to*".

Amend section 1, page 2, by deleting line 5 and inserting: "*the retired person.*".

Amend section 1, page 2, by deleting lines 12 through 14 and inserting: "*retired person to the retired person. If*".

Amend section 1, page 2, between lines 16 and 17, by inserting:

"*5. The department of personnel shall set forth separately in the proposed budget of the department submitted pursuant to NRS 353.210, an estimate of its expenditure requirements on behalf of persons retired from the service of a school district pursuant to subsection 1.*".

Amend the title of the bill by deleting the third through fifth lines and inserting: "hospital service coverage for a retired employee of a school district; making an appropriation; and providing other matters properly relating".

Amend the summary of the bill by deleting the second and third lines and inserting: "hospital coverage for retired employees of school district. (BDR 23-1047)".

Assemblyman Bache moved the adoption of the amendment.

Potential conflicts of interest declared by Assemblymen Bache, Anderson and Krenzer.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 339 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 407.

Bill read second time.

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

Amendment No. 319.

Amend section 1, page 2, line 11, by deleting "*state,*" and inserting: "*state or to an entity that is eligible to acquire federal donable surplus property,*".

Amend section 1, page 2, line 12, before "agency" by inserting "*using*".

Amend section 1, page 2, line 29, by deleting "*entity*" and inserting: "*agency or entity that is eligible to acquire federal donable surplus property*".

Amend section 1, page 3, by deleting line 6 and inserting: "*refurbishment will increase the value of the property in an amount that exceeds the cost of the refurbishment. The purchasing*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

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

Amend the title of the bill, fifth line, after "authority" by inserting: "in certain circumstances".

Assemblywoman Lambert moved the adoption of the amendment.

Remarks by Assemblywoman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 232.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Joint Resolution No. 11 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Chowning.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Joint Resolution No. 11:

YEAS — 42.

NAYS — None.

Assembly Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblywoman Chowning moved that all rules be suspended and that Assembly Joint Resolution No. 11 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 115.

Bill read third time.

Remarks by Assemblymen Krenzer and Price.

Roll call on Assembly Bill No. 115:

YEAS — 42.

NAYS — None.

Assembly Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 136:

YEAS — 42.

NAYS — None.

Assembly Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272.

Bill read third time.

Remarks by Assemblymen Nolan, Perkins, Herrera, Humke and Evans.

Potential conflicts of interest declared by Assemblymen Ernaut, Nolan and Parks.

Assemblyman Nolan moved that Assembly Bill No. 272 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost.

Roll call on Assembly Bill No. 272:

YEAS — 20.

NAYS — Arberry, Bache, Buckley, Close, Collins, de Braga, Dini, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Humke, Koivisto, Krenzer, Lambert, Marvel, Neighbors, Ohrenschall, Perkins, Williams — 22.

Assembly Bill No. 272 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 400.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 400:

YEAS — 38.

NAYS — Berman, Ernaut, Hettrick — 3.

Not voting — Carpenter.

Assembly Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 51.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 51:

YEAS — 42.

NAYS — None.

Senate Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 54:

YEAS — 42.

NAYS — None.

Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 68.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 68:

YEAS — 42.

NAYS — None.

Senate Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 77.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Senate Bill No. 77:

YEAS — 38.

NAYS — Hickey, Sandoval — 2.

Not voting — Dini, Marvel — 2.

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

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 98:

YEAS — 42.

NAYS — None.

Senate Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 176.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Senate Bill No. 176:

YEAS — 42.

NAYS — None.

Senate Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 178, 202, 249, 294 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker appointed Assemblymen Bache, Perkins, Freeman, Dini, Hettrick, Ernaut and Amodei as a Select Committee on the Formation of Lake Tahoe County, with Assemblyman Bache to serve as co-chairman.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 29.

The following Senate amendment was read:

Amendment No. 227.

Amend sec. 15, page 3, line 30, by deleting "*wearing*" and inserting "*who possesses*".

Amend sec. 16, page 3, line 38, by deleting "*wearing*" and inserting "*who possesses*".

Amend sec. 16, page 3, line 42, by deleting "*wearing*" and inserting "*who possesses*".

Amend sec. 16, page 4, line 3, by deleting "*wearing*" and inserting "*who possesses*".

Assemblywoman Freeman moved that the Assembly concur in Senate Amendment No. 227 to Assembly Bill No. 29.

Remarks by Assemblywoman Freeman.

Motion carried.

The following Senate amendment was read:

Amendment No. 307.

Amend sec. 3, page 1, line 13, before "*approval*" by inserting "*written*".

Amend sec. 4, page 1, line 18, by deleting: "*an oral or*" and inserting "*a*".

Amend sec. 13, page 2, line 40, by deleting: "*an oral or*" and inserting "*a*".

Amend sec. 13, page 2, lines 42 and 43, by deleting "*orally or*".

Amend sec. 17, page 4, line 23, by deleting "*or*" and inserting "*and*".

Amend sec. 17, page 4, line 24, by deleting: "*an oral or*" and inserting "*a*".

Amend sec. 21, page 5, line 28, by deleting "*or euthanasia;*" and inserting: ", *euthanasia or assisted suicide;*".

Assemblywoman Freeman moved that the Assembly do not concur in Senate Amendment No. 307 to Assembly Bill No. 29.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

The following Senate amendment was read:

Amendment No. 316.

Amend sec. 3, page 3, by deleting lines 21 and 22 and inserting: "482.379 [, 482.3791, 482.3792, 482.3793,] *to* 482.3794 , *inclusive, section 1 of Senate Bill No. 9 of this session and section 1 of this act,* or *NRS* 482.384, [or section 1 of this act,] the director shall order the preparation".

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

"Sec. 7. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 32.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 102, 134, 159, 231, 241, 261, 328.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dusty Altheide, Cody Carpenter, Garrett Frey, Stephanie Jones, Kim Lund, Alicia Olsen, Stepahnne Schaaf, Melissa Varney, Dayna Woerner, Jillian Wood, Donnie Neuman, Mitzi La Branch, Pam Lynn, Dusty Alford, Katie Alford, Sabrina Anderson, Analise Artz, Tonia Cruz, Erin Edginton, Jodie Garrison, Whitney Grimes, Rachael Howell, Stacey Merrill, Holly Morgan, Sherellyn Purcell, Michelle Schaeffer, Anthony Santos, Cassie Shaft, Heather Segovia, Natalie Smith, Eddie Stocke, Amanda Wilson, Emily Inglebright, Bobbie Allen, Kensie Anspach, Nicole Brittain, Ashley Cray, Isabelle La Branch, Hunter George, Joel Lacuesta, Brett Metter, Tom Price, Robert Quirk, Brittany Segovia, Amanda Stocke, Kellene McKay, Katie Wilson, Santanna Salas, David Bolingbroke, Danielle St. Germaine, Michael Smith, Alissa Altheide, Erica Christiansen, Kristen Harsh, Sarah Jaeger, Lucinda More, Terra Neely, Diana Santos, Carli Whalen, Hanna Niehasus, Megan Stocke, Tara Summers, Troy Tusji and Lindsey Welty.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Marjorie Klinefelter and Robert Johnson.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Cage and Joey Orduna.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Cooper, Robert Anclerlik, Jason Anthony, Danielle Barrett, Sara Booth, Katherine Bowerman, Luis Chavarria, Dominic Cocco, Hesham Elnagar, Christine Hambly, Logan Hilton-Dubaz, Joseph Hoeft, Frank Iovino, Alyssa Jackimczuk, Justine Jackson, Chad Jimmerson, Tiffany Knouse, Elena Martinez, Stevie Nicholl, Karmella Nodriga, Colin O'Donnell, Ashley Padilla, Stefanie Phillips, Rebecca Sassani, Derek Schill, Ashley Shears, Jeffrey Tonnesen, Jenna Ward, Joshua Zarling, Julia Anthony, Charlene Booth, Luis Chavarria, Patricia Cooper, Maria Fleming, Jolene Hoeft, Susan Iovino, Beverly Jackson, James Jimmerson, Cynthia Martinez, Lucia Nicholl, Paula O'Donnell, Linda Sassani, Glen Tohnesen, Barbara Ward, Cynthia Zarling, Gretchen Jackimczuk, Jill Higley, Richard Bailey, Kylie Bohlke, Jared Brinkley, John Catanzaro, Vadi Choarattana, Chantalle Daccache, Martin Delgado, Katherine Fitzgerald, Ashley Flannelly, Valerie Francis, Nathan Heal, Michael Healey, Hyun-joo Jeong, Cody Juelke, Jordon Kolbo, Christina Lugo, Laura Peduzzi, Natalie Rojas, Ana Sanchez, DeShon

Polk, Mary Kay Bohlke, Maria Delgado, April Juelke, Jean Kolbo, Pam Menges, Beth Minear, John Catanzaro, Robert Pierce, Gorge Sanchez, Jill Higley, Perry Valencia and Jason Pierce.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 16, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 1:10 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), May 16, 1997

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, The Reverend Jeffrey D. Paul.

O Lord our Governor, whose glory is in all the world: We commend the State of Nevada to Your care, that we may dwell in Your peace. Grant to the Assembly and to all in authority wisdom and strength to know and do Your will. Fill us all with a love of truth and righteousness, and make us mindful of our calling to serve this people; one God, world without end. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 300.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 38.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblywoman Giunchigliani:

Assembly Concurrent Resolution No. 26—Expressing the support of the Nevada Legislature for water conservation measures and tiered rate structures.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Senate Concurrent Resolution No. 38.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblymen Williams and Chowning.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 128.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 128:

YEAS — 41.

NAYS — None.

Excused — Marvel.

Assembly Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblymen Buckley, Close, Goldwater and Freeman.

Potential conflict of interest declared by Assemblyman Close.

Conflict of interest declared by Assemblywoman Krenzer.

Assemblyman Perkins requested that Assemblywoman Buckley's remarks be entered in the Journal.

AB 156 is patient-protection legislation for patients enrolled in managed care. It arises from a need to ensure that care is not denied to patients when needed and that quality of care is not sacrificed in our haste to cut rising medical costs. It aiso outlaws certain abusive practices that have been implemented by some managed care organizations. The major provisions are these:

First, in section 11, the bill sets forth when covered care can be denied. It provides that coverage can only be denied once recommended by the treating physician if a Nevada physician makes the decision and has the relevant training and expertise to make the denial. This is to ensure that doctors, and not clerks, are making denial decisions.

Sections 12 and 13 require that each managed care organization establish written policies and procedures setting forth the manner in which it determines when to deny coverage or treatment and how it conducts utilization review. It requires that this criteria be prepared with the assistance of providers, be updated annually, and be open for inspection. This is to ensure that protocols on length of stay and other treatment is not used to deny care, even when it is needed, just because a protocol sets the time when a patient can stay in the hospital.

Sections 14 and 15 require an MCO to set up a quality assurance program and a quality improvement committee. This is to ensure that quality of care gets the attention it deserves.

Section 16 prohibits a managed care organization from restricting or interfering with discussions between a provider and a patient. This ends the practice of allowing gag clauses to be imposed upon providers.

Section 17 prohibits a managed care organization from retaliating against providers if the provider advocates or assists a patient.

Section 18 prohibits a managed care organization from paying financial incentives or bonuses to providers for denying or withholding medically necessary care to a patient. This is

to combat a practice where physicians may feel they have to deny or delay necessary tests in order to earn payment from the managed care organization.

Section 19 reforms emergency room treatment payment denial abuses. It prohibits an MCO from requiring prior authorization for emergency care treatment. It requires that emergency room treatment be paid for if the patient, acting as a prudent person—an average, everyday person—believes that their situation required immediate treatment or their health will be placed in jeopardy. This reform will ensure that people will seek care when they believe they need it and not be discouraged from doing so because of fear that payment will be turned down.

Section 20 requires that each MCO have a Nevada physician serve as its medical director.

Lastly, sections 23, 24, and 25 require that each MCO establish a grievance procedure with a review board consisting primarily of patients insured by the company. It requires that all decisions be made within 30 days or 72 hours in emergency cases. It requires that all notices of denial be made in clear and comprehensible language.

These patient protections will help many Nevadans and have received the support of patients, providers and the MCOs who have worked very hard to create balanced reforms in this area. It received unanimous support from your Committee on Commerce, and I urge your support.

Roll call on Assembly Bill No. 156:

YEAS — 40.

NAYS — None.

Not voting — Krenzer.

Excused — Marvel.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblymen Lee, Mortenson, Goldwater, de Braga, Tiffany, Segerblom, Ernaut, Manendo, Gustavson, Von Tobel and Price.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN LEE:

Assembly Bill 291 authorizes the board of county commissioners in each county to impose by ordinance a sales tax of not more than one-quarter of one percent to be used to finance infrastructure projects. An ordinance to impose or make other changes to the tax must be approved by a two-thirds majority of the board at the public hearing for which at least two weeks' notice was given. In a county with a population of 400,000 or more in which the water authority exists, revenues from the tax must be used for the water and wastewater facilities. Cities and towns that are not served by the water authority must be allocated a share of the tax revenue based upon the assessed valuation. The bill requires such a county to report annually to the legislative or interim finance committee concerning the collection, distribution and use of tax revenues. The measure requires the board to review the necessity of the tax within 10 years. In any county with a population less than 400,000, the tax may not be imposed until a plan for the expenditure of revenues has been approved by the board after a public meeting. In a county with a population of 100,000 or more, but less than 400,000, tax revenues must be used for flood control facilities, railroad grade separation projects, public safety facilities or any combination of those uses.

Finally, in a county with a population of less than 100,000, revenues must be used for water, wastewater facilities, flood control facilities, solid waste disposal facilities or a combination of these projects. This measure becomes effective upon passage and approval. Mr. Speaker, your

Committee on Infrastructure overwhelmingly passed this bill out of committee, and I would urge the Assembly's support. Thank you, Mr. Speaker.

ASSEMBLYMAN MORTENSON:

Thank you, Mr. Speaker. To you and through you to my colleagues in the Assembly. A few days ago, I sent a little report—an exercise in basic arithmetic with pie charts on it—to you, and then subsequently you got a couple more of those. I have absolutely no arguments with the two that followed mine, but I do think that, in trying to calculate how much someone spends and how much of that is taxable and so on, that's the hard way to do it. The easy way is to look at the pie charts of the water district or the water authority. The water authority is the one who is going to spend the money, and they have said that 30 percent of the cost of this project will be paid through the sales tax. I maintain that 30 percent of a $2 billion or $3 billion project is not chicken feed. It is a lot of money, and 70-some percent of that will be paid by your constituents and you.

In the beginning of this project the water authorities' blue ribbon panel, after two years of consideration, made a decision. They said that growth should pay for growth, and 79 percent of the cost of this project should be borne by connection fees. They said that residents, essentially, our constituents and you and I, benefit by a little bit of reliability and therefore should pay 21 percent of the cost of the project. I think that was a very good decision, and I think it was very fair. But suddenly, when the sales tax entered the calculation, everything changed drastically. We're told that the sales tax is good because it pays a portion of the project, and that is true. It essentially pays 8.7 percent of the project. That's the little slice of the sales tax that tourists pay. The problem is, the real crime here is, that your constituents and you will pay the balance of that 30 percent, and that turns out to be 21.3 percent. Now, if you add that 21.3 percent to the 13 that is marked for surcharges on the water authority's chart, you are now paying 35 percent, whereas, the blue ribbon panel, earlier in their wisdom said, "You should only pay 21 percent."

Also, remember that that 21 percent—the original 21 percent—includes all of the draconian surcharges that you've been threatened with. If the 21 percent contains all the draconian service charges, then 35 percent—that's draconian squared. Not exactly, but it's bad. If you and your constituents are getting the shaft with this increase in price, who is benefiting? The benefit goes to the housing. It has dropped now from 79 percent down to 52 percent, and you might conclude by this that you are subsidizing the housing.

How did this happen and are you going to let it happen today when you vote? First of all, there has been criticism that connection fees will go up and our children will not be able to buy houses and so on. If the connection fee should go to $30,000 in 25 years, inflation in 25 years will drop it down to half of that, $15,000. I do not believe that $15,000 will ever occur because the water authority has calculated their formulas using an incredibly low rate of growth in the valley. Their demographer is lower than the state's demographers, and both demographers have a past history of underestimating the growth in the valley. If the growth in the valley occurs as it has at a very constant rate of six percent for the last 35 years, then the water district is going to be swimming in money, if you'll pardon the pun. In just a few years, the water district just has not proven that they need this sales tax.

This is a really bad bill for you and your constituents. When you press the button in a few minutes, I hope you will think and do the right thing for your constituents.

ASSEMBLYMAN GOLDWATER:

I almost hesitate to rise today, given the extremely eloquent remarks that were made by our Floor Leader and Majority Leader the other day, but I feel I have to rise in support of this bill and to counter some of the arguments that were given by my colleague from southern Nevada.

Let's simplify the argument. Let's bring it down to real common sense. This bill will keep more money in the pockets of Nevada residents, than without this bill, than the current financing system is doing. What we are doing is not building a water system; we are changing the financing mix, or frankly, we're enabling the county government to change the financing mix. We're doing this from the state government as, to quote the Majority Leader, we are holding the purse strings. We are changing the financing mix. We are adding a new element.

We are adding sales tax. Why? To take the pressure off connection fees and water rates. The distinguished gentleman referenced the connection fees and population growth figures. An analysis by the Southern Nevada Water Authority and also by independent Hobbs Ong and Associates calculated that, should the distinguished gentleman's population figures be correct, an additional 300,000 to 400,000 connections would need to be made in order to provide the revenue that he has said would be needed. That's 400,000 in addition to what the Southern Nevada Water Authority already is projecting. Should that occur, we would need another water system equal to the size of the one that is currently being built that will cost an additional $1.7 billion in today's dollars.

Now let's talk about water rates. Water rates are paid 100 percent by Nevada residents—100 percent. You get that bill in the mail, you've got to pay that bill. Sales tax—there is a great deal of discretion when it comes to paying the sales tax. If you don't want to pay the sales tax, you don't have to. You don't have to buy a new car, you don't have to buy new clothes, you don't have to. The things that you have to buy we don't tax—food, rent, medicine, things like that.

I submit to you that we need to take the pressure off water rates. We need to take the pressure off connection fees. Lastly, in summation, we need to represent our constituents. Who are our constituents? Are we the only ones who represent them? No, they are represented at the local level where this tax will be invoked. Additionally, the people we represent are members of a myriad of organizations in town. Let me read to you just a few that support and have articulated support for Assembly Bill 291: developers, taxpayers' association, medical community, culinary union, local union, Nevada Resort Association, home builders, chambers of commerce, building trades, environmentalists, and the list grows. These are our constituents. These are the same people who vote for us. They have decided, not in an arbitrary way, after two years of study out of a citizens' advisory committee in a very public way by some of the most brilliant minds in finance, that this is the optimal financing mix for this water system that takes the most pressure off of Nevada taxpayers. Assembly Bill 291 lets southern Nevadans keep more money in their pockets. That's why I'm in support of it.

ASSEMBLYWOMAN DE BRAGA:

During the testimony on AB 291, the Southern Nevada Water Authority stated that with this project, their efforts are targeting expansion of a water delivery system that will bring water to Las Vegas from the Colorado River. It was asked and clearly stated by the Southern Nevada Water Authority, that it is not their intent to use funds generated from the sales tax increase to apply toward efforts to bring groundwater from central Nevada into the Las Vegas Valley. For the comfort of my colleague from District 36 and myself, I hereby repeat this statement to confirm legislative intent of this bill is not to fund the water project commonly known as the Cooperative Water Agreement.

ASSEMBLYWOMAN TIFFANY:

Thank you, Mr. Speaker. To you and through you to this body. I stand in opposition of AB 291 because it allows each county commission to increase the sales tax by a quarter percent without requiring the vote of the people. When asked what he thought about the views of the people, an absolute French king dismissed the question by saying, "I am the people." I was surprised to hear a similar attitude voiced yesterday in this Chamber when one of our colleagues who is against this requirement for the vote of the public says, "We are the vote of the people." Americans, and especially Nevadans, do not give absolute power to their part-time elected representatives. That's why we have an initiative and a referendum in this state, and that's why the people enacted the Gibbons tax restraint initiative to curb the power of the legislature.

The French overthrew their arrogant monarchy, and the Americans overthrew an arrogant British king under the banner of "no taxation without representation." It's ironic that AB 291 imposes on Nevadans taxation with representation, but it's the representation of every major special interest group. AB 291 is representation for everyone except the people. That's why I vote "no" on AB 291 today.

ASSEMBLYWOMAN SEGERBLOM:

I will vote "yes" for the bill, but I have an understanding that in the Senate there will be an amendment to remove Boulder City from the bill because they have not taken a stand—the city council did not take a stand. Also, there will be an amendment to remove Mesquite. Thank you, Mr. Speaker.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. To you and through you to my esteemed colleagues. When this session started, and throughout our campaigns in this last session, there was one word that kept coming to the top, the most important need of this state, and that word was infrastructure—that we had needs all across this state, whether in the metropolitan areas of Clark county, or the hospital needs in Elko County, or flood control in Washoe and Lyon and Douglas Counties. We had big, serious needs, and it was our job to solve that. And here we are today with Assembly Bill 291. I've been here three terms and two terms before that working in the hallways and sitting behind this screen and watching as the legislature deliberated issues such as this. In my career, I have never seen a more absurd set of circumstances surrounding this bill—more demagoguery, more misinformation, and more flat-out lies about a measure that is so important to the people of the State of Nevada.

My father told me a long time ago that a Basco should never argue with a nuclear physicist, so today, I am not about to argue Xs and Os and pie charts with any of my colleagues. It seems to me that we've discussed everything that this bill is not. We've discussed every nuance, every amendment, but we've never sat down and said, "What exactly does this bill do?" Well, I'm going to tell you exactly what this bill does and I'm going to speak very slowly so all the people in the media can write this correctly. This bill enables—enables—the county commissions—all 17 of them—in this state to impose a quarter-cent sales tax for very specific infrastructure needs. It doesn't in any way prohibit a popular vote of the people. It doesn't in any way prohibit a popular vote of the people. A tax increase is never an easy thing to do. I'm a Republican. It goes against my very grain. So when I'm going to discuss a tax increase, however enabling, I think there are four major barometers that you must look at before you make that very difficult and judicious choice.

The first is need. Let's discuss need for a moment. In all 17 counties, we have a lot of need. In Clark County, we have a water system that is so antiquated that it can't even deliver the present allotment in the Colorado River. It can only deliver 72 percent. It can't even be shut down for maintenance. It is the only straw. It is the only water lifeline of that community—the fastest growing community in the state of Nevada, the fastest growing community in the United States. Three times last summer, the Clark County water system nearly shut down, ending water supply to all of Las Vegas. That is a critical need. In Washoe County and in many of the northern counties, we were hit by the most catastrophic flood that this state has ever seen. Let me just read to you some of the dollar totals: Carson City, $6.4 million; Storey County, $3 million; Lyon County, $19.5 million; Douglas County, $55 million; Washoe County, $540 million in damage. Clark County bit the bullet some years ago and imposed their quarter-cent for flood control; the northern counties have not, and it's time that we do that and this is the mechanism. This isn't a game. This isn't about headlines. This is about people's lives and businesses and families being protected. This is a very tough decision, but one each and every one of you has to make. Every decision amongst us that comes before us is not for the Silver State fanfare being designated as the state march. Sometimes there are very difficult decisions, and before you today is one of them.

If we agree on need, secondly, we have to look at support, support of the community. As the chairman of Infrastructure said to each of us, an unprecedented amount of support across this state—citizens' groups, business and seniors, getting together and studying this issue in Clark County for two years and in Washoe County for a year and a half—prioritizing the essential needs of those communities. The rural counties have mandates from the federal government to fix their landfills. Where is it that you think they're going to get the money? They don't have that kind of money. They look to us to make those tough decisions.

If we agree on need and we agree upon the support, then we have to look at the most legitimate and appropriate funding source. There are only two, ladies and gentlemen, there are only two. For us to be able to bond for this kind of money for these massive projects, there are only two. You can bond property tax or you can bond sales tax. Clark County, obviously has another thing in the mix with water rates. The rest of the state does not. In Washoe County alone, if we were to take this to a bonding of the property tax, it would increase property tax by 17 cents, putting us over the statutory cap. We've heard the discussion about sales tax. We've heard this discussion about sales tax starting as early as 1981 when we determined our entire tax base for the state of Nevada on sales tax, and that means that we see that the tourists should pay for a major portion of our tax, taking the burden off the residents. So it wasn't overly aggressive, we exempted things like rent and medicine and groceries so that those on fixed incomes weren't bearing the brunt of the sales tax. I contend to you that this is the most appropriate funding source: sales tax.

Fourth, once we've agreed upon need, and once we've agreed upon support, and once we've agreed upon the most appropriate funding source, we come to the question of accountability. Again, I'm going to read slow so that everybody gets this down. We have seven unprecedented measures of accountability in AB 291. We have a mandatory two-thirds vote of each county commission. In every county outside of Clark, we have a mandatory facilities plan that specifically itemizes each project and all the costs incurred. We have mandatory public meetings with mandatory two-week notifications. In Washoe County we have mandatory oversight by the regional planning commission, which is a citizen advisory board. In all counties, we have mandatory separate accounting, mandatory annual reporting, and a sunset option once the projects come to fruition. So then we agree upon accountability.

This is the fastest growing state in the nation, and it has serious needs. And it takes serious people to address those needs. I'm proud of AB 291. It wasn't easy, but it was right. Leadership is not defined in what is popular; it's defined by your hard work and your perseverance as what is right, and by that action, making it popular. Mr. Speaker, thank you.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. To you and through you to this honorable body. For the record, I've had several concerns regarding this issue. If AB 291 as enabling legislation is not passed, what would be the cost of escalating water rates to the seniors in my district in the near future? How would the young families be able to afford their first home, or if you will, their "dream homes?" How would this affect current and future jobs and how would a slowdown of our vibrant economy impact our local and state budgets?

The other concern has always been with the wastewater part of the bill. My constituents, in particular, our Southeast Valley Coalition for Odor Control, which consists of members representing the Whitney Town Board, manufactured home parks, housing developments, townhouses, apartments and area businesses, need assurances that their concerns and the concerns of surrounding assembly districts about odor control would be addressed when it came to passing this bill and paying for additional wastewater projects.

The amended bill responds to these concerns. It now includes "odor control" under the definition of wastewater facilities, meaning a portion of this funding of the wastewater agencies will be spent on just that.

I recently received a letter and other information from the Clark County and the City of Las Vegas Sanitation districts detailing their plans to seeing the odor problem resolved; including, at the Clark County facility: odor scrubbing equipment, a trickling filter bypass structure, sediment removal from sludge ponds, intermediate pumping station odor control, central plant VOC abatement projects, Whitney interceptor and Whitney lift station, and collection system odor control; at the City of Las Vegas facility, consolidation of grit handling facilities, odor control facilities at headworks, primary clarifiers, thickeners at the solids dewatering facility, and finally, reducing odors at the WPCF including odor control gates for the sludge hoppers, modifying trickling filters for odor control and sludge loading bay. Total estimated expenditures of $8.6 million goes directly to solving the odor problem in Assembly District 18 and the surrounding districts; in addition, with the plant expansions, expenditures of roughly

$6 million to $10 million in odor control facilities are estimated. With this amendment and commitment in hand, I can now support this bill. The amendment puts the odor issue on the same level as everything else and gives the wastewater agencies monies to solve the problems.

Finally there are no more excuses for not getting it fixed, and for this reason, I do stand in support of AB 291 today and ask that my colleagues do the same.

ASSEMBLYMAN GUSTAVSON:

Thank you, Mr. Speaker. To you and through you to this body. I will be a little brief, as I usually am. I rise in opposition to this tax increase. I realize there are many needs out there. We all know this. I realize that this is also enabling tax legislation to the county commissioners, but that's only upon their choice and their decision. As ordinary citizens, we make decisions every day, decisions that affect our everyday lives as well as others. In my opinion, Mr. Speaker, taking away the people's right to vote on this tax increase themselves is poor public policy. If I'm going to protect my rights, I must first protect the rights of the voting public, and for that reason, Mr. Speaker, I will be voting "no" on AB 291. Thank you.

ASSEMBLYWOMAN VON TOBEL:

Thank you, Mr. Speaker. This has been a very difficult bill for me, and I think for everybody in this body. I will be voting for AB 291. I have been assured by Senator Porter that he will be able to tweak it to help the outlying areas in my district as my colleague from Boulder City mentioned. I also have learned that it's easy to vote for taxes, but very difficult to lower taxes or take away a tax. I hope that this body will look at any of the measures we have before us, after this passes, for the rest of the session and look for a tax that we can possibly lower to help the burden on the taxpayers.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. As I sat here and listened to the remarks of my colleagues, it has reminded me, and I might be paraphrasing, the words of another great Nevadan who came before us, Mark Twain, who said something like, "Whiskey is for drinking, and water is for fighting over."

ASSEMBLYMAN MORTENSON:

Thank you, Mr. Speaker. I pushed that button in case there might be something that I wanted to rebut, but there was nothing said that I need to rebut. Thank you, Mr. Speaker.

Roll call on Assembly Bill No. 291:

YEAS — 34.

NAYS — Arberry, Carpenter, Gustavson, Mortenson, Price, Tiffany, Williams — 7.

Excused — Marvel.

Assembly Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 12:21 p.m.

Mr. Speaker presiding.

All present except Assemblymen Berman, Marvel and Tiffany, who were excused.

Assembly Bill No. 309.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Assembly Bill No. 309:

YEAS — 39.

NAYS — None.

Excused — Berman, Marvel, Tiffany — 3.

Assembly Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Senate Bill No. 27:

YEAS — 39.

NAYS — None.

Excused — Berman, Marvel, Tiffany — 3.

Senate Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 178.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Senate Bill No. 178:

YEAS — 39.

NAYS — None.

Excused — Berman, Marvel, Tiffany — 3.

Senate Bill No. 178 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 202.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Senate Bill No. 202:

YEAS — 38.

NAYS — None.

Not voting — Evans.

Excused — Berman, Marvel, Tiffany — 3.

Senate Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 232.

Bill read third time.

Remarks by Assemblymen Price, Anderson and Collins.

Roll call on Senate Bill No. 232:

YEAS — 36.

NAYS — Anderson, Buckley, Collins — 3.

Excused — Berman, Marvel, Tiffany — 3.

Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 249.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Senate Bill No. 249:

YEAS — 39.

NAYS — None.

Excused — Berman, Marvel, Tiffany — 3.

Senate Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 294 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 495—An Act relating to motor vehicles; increasing the amount of bond required of vehicle manufacturers, distributors, dealers and rebuilders; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 496—An Act relating to vehicles; redefining a rebuilt vehicle; providing for the issuance of identifying cards by licensees of the department of motor vehicles and public safety; specifically authorizing operators of salvage pools to foreclose liens on vehicles; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 497—An Act relating to crimes; prohibiting a person from carrying or possessing a dangerous knife while on the property of the University and Community College System of Nevada or a private or public school; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Goldwater (by request):

Assembly Bill No. 498—An Act relating to arbitration; requiring the arbitration of certain liens relating to residential dwellings; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Berman, Segerblom, Hettrick, Manendo, Lee, Collins and Chowning:

Assembly Bill No. 499—An Act relating to roads; authorizing the department of transportation to contract for the private establishment of a limited number of toll roads and toll bridges; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 500—An Act relating to state financial administration; authorizing the state board of sheep commissioners to enter into agreements for the administration of the sheep inspection account and the account for control of predatory animals by a county treasurer; changing the name of the accounts to allow distinction from county accounts for the same purposes; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Ernaut:

Assembly Bill No. 501—An Act relating to bonds; revising certain provisions governing the investment of proceeds from bonds issued by the state and local governments; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 245.

Amend the bill as a whole by deleting sections 1 through 12, renumbering sections 13 and 14 as sections 12 and 13 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

"Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each policy of health insurance must authorize a female insured for whom parturition is covered and her infant to remain in a medical facility after giving birth for:

(a) Not less than 48 hours if she gave birth through a normal vaginal delivery; or

(b) Not less than 96 hours if she underwent a cesarean section.

2. A female insured and her provider of health care shall jointly determine when to discharge the insured and her infant from the medical facility after parturition, and nothing in this section requires the insured or infant to remain in the medical facility for any fixed amount of time.

3. A policy of health insurance subject to the provisions of this section that is delivered, issued for delivery or renewed on or after October 1, 1997, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal that is in conflict with this section is void.

4. For the purposes of this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 2. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each policy of group health insurance must authorize a female insured for whom parturition is covered and her infant to remain in a medical facility after giving birth for:

(a) Not less than 48 hours if she gave birth through a normal vaginal delivery; or

(b) Not less than 96 hours if she underwent a cesarean section.

2. A female insured and her provider of health care shall jointly determine when to discharge the insured and her infant from the medical facility after parturition, and nothing in this section requires the insured or infant to remain in the medical facility for any fixed amount of time.

3. A policy of group health insurance subject to the provisions of this section that is delivered, issued for delivery or renewed on or after October 1, 1997, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal that is in conflict with this section is void.

4. For the purposes of this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 3. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. *1. Each health benefit plan offered by a carrier pursuant to this chapter must authorize a female insured for whom parturition is covered and her infant to remain in a medical facility after giving birth for:*

(a) Not less than 48 hours if she gave birth through a normal vaginal delivery; or

(b) Not less than 96 hours if she underwent a cesarean section.

2. A female insured and her provider of health care shall jointly determine when to discharge the insured and her infant from the medical facility after parturition, and nothing in this section requires the insured or infant to remain in the medical facility for any fixed amount of time.

3. A health benefit plan subject to the provisions of this section that is delivered, issued for delivery or renewed on or after October 1, 1997, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal that is in conflict with this section is void.

4. For the purposes of this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 5. *1. Each contract offered by a carrier to a voluntary purchasing group must authorize a female insured for whom parturition is covered and her infant to remain in a medical facility after giving birth for:*

(a) Not less than 48 hours if she gave birth through a normal vaginal delivery; or

(b) Not less than 96 hours if she underwent a cesarean section.

2. A female insured and her provider of health care shall jointly determine when to discharge the insured and her infant from the medical facility after parturition, and nothing in this section requires the insured or infant to remain in the medical facility for any fixed amount of time.

3. A contract subject to the provisions of this section that is delivered, issued for delivery or renewed on or after October 1, 1997, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal that is in conflict with this section is void.

4. For the purposes of this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 6. NRS 689C.015 is hereby amended to read as follows:

689C.015 As used in NRS 689C.015 to 689C.350, inclusive, *and section 4 of this act,* unless the context otherwise requires, the words and terms defined in NRS 689C.025 to 689C.095, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NRS 689C.360 is hereby amended to read as follows:

689C.360 As used in NRS 689C.360 to 689C.600, inclusive, *and section 5 of this act,* unless the context otherwise requires, the words and terms defined in NRS 689C.360 to 689C.420, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each policy of health insurance issued by a hospital or medical service corporation must authorize a female insured for whom parturition is covered and her infant to remain in a medical facility after giving birth for:

(a) Not less than 48 hours if she gave birth through a normal vaginal delivery; or

(b) Not less than 96 hours if she gave birth through a cesarean section.

2. A female insured and her provider of health care shall jointly determine when to discharge the insured and her infant from the medical facility after parturition, and nothing in this section requires the insured or infant to remain in the medical facility for any fixed amount of time.

3. A policy of health insurance issued by a hospital or medical service corporation subject to the provisions of this section that is delivered, issued for delivery or renewed on or after October 1, 1997, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal that is in conflict with this section is void.

4. For the purposes of this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 9. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each health maintenance plan must authorize a female insured for whom parturition is covered and her infant to remain in a medical facility after giving birth for:

(a) Not less than 48 hours if she gave birth through a normal vaginal delivery; or

(b) Not less than 96 hours if she underwent a cesarean section.

2. A female insured and her provider of health care shall jointly determine when to discharge the insured and her infant from the medical facility after parturition, and nothing in this section requires the insured or infant to remain in the medical facility for any fixed amount of time.

3. A policy subject to the provisions of this section that is delivered, issued for delivery or renewed on or after October 1, 1997, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal that is in conflict with this section is void.

4. For the purposes of this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 10. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this Title, the provisions of this Title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this Title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.170 to 695C.200, inclusive, *and section 9 of this act,* 695C.250, 695C.260 and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid pursuant to a contract with the welfare division of the department of human resources. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 11. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each prepaid limited health service organization shall authorize a female insured for whom parturition is covered and her infant to remain in a medical facility after giving birth for:

(a) Not less than 48 hours if she gave birth through a normal vaginal delivery; or

(b) Not less than 96 hours if she underwent a cesarean section.

2. A female insured and her provider of health care shall jointly determine when to discharge the insured and her infant from the medical facility after parturition, and nothing in this section requires the insured or infant to remain in the medical facility for any fixed amount of time.

3. A policy or contract subject to the provisions of this section that is delivered, issued for delivery or renewed on or after October 1, 1997, has the legal effect of including the coverage required by this section, and any provision of the policy, contract or the renewal that is in conflict with this section is void.

4. For the purposes of this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.".

Amend sec. 13, page 4, line 12, by deleting "*11*" and inserting "*2*".

Amend the title of the bill to read as follows: "An Act relating to health care; requiring each policy of health insurance, health benefit plan, health maintenance plan and prepaid limited health service organization to authorize a female insured and her infant to remain in a medical facility for a minimum number of hours after parturition; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Requires each policy of health insurance to authorize female insured and her infant to remain in medical facility for minimum number of hours after parturition. (BDR 57-320)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 147.

Bill read second time.

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

Amendment No. 351.

Amend section 1, page 1, line 6, by deleting "*concerning*" and inserting: "*relating to the medical disposition of*".

Amend section 1, page 1, by deleting lines 8 and 9 and inserting: "*unless the initiator of the oral communication:*

(1) Maintains, in written form or in a form from which a written record may be produced, a log that includes the date, time and subject matter of the communication; and

(2) Makes the log available, upon request, to the injured employee, his representative and his employer; or".

Amend section 1, page 1, line 10, by deleting "*concerning*" and inserting: "*relating to the medical disposition of*".

Amend section 1, page 1, by deleting lines 13 and 14 and inserting: "*in a timely manner.*".

Amend section 1, page 1, lines 15 and 16, by deleting: "*guilty of a misdemeanor.*" and inserting: "*subject to the provisions of NRS 616D.120.*".

Amend the bill as a whole by deleting sections 2 and 3.
Amend the title of the bill, third line, by deleting: "providing a penalty;".
Assemblyman Parks moved the adoption of the amendment.
Remarks by Assemblyman Parks.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 236.
Bill read second time and ordered to third reading.

Assembly Bill No. 239.
Bill read second time and ordered to third reading.

Assembly Bill No. 378.
Bill read second time.
Assemblyman Perkins moved that Assembly Bill No. 378 be re-referred to the Committee on Ways and Means.
Motion carried.

Assembly Bill No. 396.
Bill read second time and ordered to third reading.

Senate Bill No. 87.
Bill read second time and ordered to third reading.

Senate Bill No. 95.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 201; Assembly Concurrent Resolution No. 24; Senate Concurrent Resolution No. 36.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen Sorensen, Brenda Estorga, Mrs. Rains, Yesenia Diaz, Gloria Emnas, Federico Estorga, Tara Johnston, Lance Lopes, Nancy Lopez, Ryan Mafield, Jasmine Moreland, Ryan Paradis, Athena Schneider, Ian Sorensen, Sarah Taylor, Mrs. Dailey, Rick Wilson, Karina Barrera, Joshua Berry, Christian Chaidez, Shawn Dow, Michael Eastwood, Michelle Elgin, Paul Garcia, Michael Locker, Lynn

Martin, Brook Petuya, Justin Roach, Diana Ruvalcaba, Roberto Sanchez, Amanda Wilson, Nancy Pachnik, Mrs. Casci, Julie Altura, Brianna Balch, Erika Barajas, Eric Bloom, Navi Cuellar, Jolene Duthie, Dallas Hixon, Zachary Holt, Brittney Hughes, Travis Kinney, Paul Laxamana, Jenny Rosales, Cirila Sandoval, Samantha Swanson and Jeanette Ventura.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Campbell, Barbara Adams and Paul Adams.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Fatima Chenaif, Mohammed Beheddane, Abdelkader Moulay, John Werner and Gordon Powers.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 19, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:45 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), May 19, 1997

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Collins, Nolan and Segerblom, who were excused.

Prayer by the Chaplain, The Reverend W. Duane Geyer.

Dear Heavenly Father, we come before You now with courage and boldness because Your word says "whosoever will, may come." We ask for the gift of Your wisdom throughout this week in the dialogue, and the decision making. May everything we do be done with truth, justice, equity and integrity. In Your Holy, Righteous and Powerful Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Infrastructure, to which were referred Assembly Bill No. 379; Senate Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was re-referred Assembly Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and re-refer to the Committee on Education.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 430, 446, 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 190, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson and Evans:

Assembly Concurrent Resolution No. 27—Memorializing a founding member of the Sparks Sertoma Club, Leroy "Frank" Gibson.

WHEREAS, The members of this legislative body note with sorrow and regret the passing of Leroy "Frank" Gibson, on April 20, 1996; and

WHEREAS, Frank Gibson was born on September 10, 1909, in the State of Indiana, and moved to Sparks, Nevada, in 1953; and

WHEREAS, Frank Gibson was fascinated with the history of Sparks and dedicated many hours working to preserve historical buildings and railroad memorabilia in Sparks; and

WHEREAS, Frank Gibson was a founding member and vice president of the Sparks Railroad Museum and Heritage Commission and was named Sparks Citizen of the Year in 1986 by the Sparks Community Chamber of Commerce for his successful efforts in collecting railroad memorabilia from homes and businesses to ensure that the City of Sparks would have its own museum; and

WHEREAS, In 1994, Frank Gibson was named Sertoman of the Year for his efforts to save the historic Glendale School which was built in 1864 and eventually relocated to Victorian Square where residents of the City of Sparks could have access to an important part of their heritage; and

WHEREAS, When it became evident that there was a serious need for the expansion of speech and hearing services to include the rural areas, Frank Gibson was instrumental in acquiring a surplus van from the Washoe County Library and after the Sertoma Club equipped the van with clinicians from the University of Nevada Department of Speech Pathology, the van traveled rural areas of Northern Nevada helping school children and senior citizens; and

WHEREAS, Frank Gibson was a member of the Sparks United Methodist Church, the Sparks Community Chamber of Commerce, the Sparks Railroad Museum and Heritage Commission, the Sparks Charter Committee and a charter member of the Sparks Sertoma Club; and

WHEREAS, Frank Gibson is survived by his daughter, Diane McCollum of Sparks, sisters, Wilma Shaw of California and Evaleen Lambert of Ohio, and brother, Fred of Illinois; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th Session of the Nevada Legislature mourn the loss of a respected Nevada citizen who gave generously of his time and resources to the residents of the City of Sparks and the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Frank Gibson's daughter, Diane McCollum.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson and Evans.

Resolution adopted.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 27 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 502—An Act relating to industrial insurance; providing for the electronic transmission of documents related to claims; clarifying the authority of insurers to purchase annuities for the payment of claims; clarifying the prohibition against recovering benefits unless a notice of injury and a claim for compensation are filed; prohibiting an injured employee from recovering benefits for an industrial injury or occupational disease unless he receives medical treatment for the injury or disease; revising the training requirements for hearing and appeals officers; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 503—An Act relating to industrial insurance; expanding the circumstances under which an employee and his dependents are barred from recovering compensation; requiring an employee with a permanent partial disability to select his rating physician; expanding the circumstances under which an employee's use of a controlled substance is presumed to be the proximate cause of his injury; prohibiting a physician or chiropractor from issuing a certification of disability for any period

preceding the date of an injured employee's examination; revising the standard for determining fees and charges for accident benefits; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 504—An Act relating to industrial insurance; requiring a school district or community college to insure itself against liability for the industrial injuries and occupational diseases of a teacher who, as part of the program to provide pupils with the skills to make the transition from school to work, works without pay for an employer other than the school system or community college with which the teacher is employed; authorizing industrial insurance coverage for a pupil who works without pay as part of the program; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 505—An Act relating to industrial insurance; transferring the authority to impose a surcharge to ensure the solvency of the state industrial insurance system to the legislative committee on workers' compensation; requiring the committee to establish the formula to calculate the surcharge based on a percentage of the total amount of claims paid for certain industrial injuries or occupational diseases; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 506—An Act relating to employment practices; requiring the labor commissioner and the department of employment, training and rehabilitation to establish a program to assist dislocated workers; requiring a business to give advance notice of certain management decisions; requiring a business to make reports concerning such decisions; prohibiting certain acts related to such reporting; requiring a business to extend certain benefits and privileges to its former employees; requiring the labor commissioner to adopt necessary regulations; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 507—An Act relating to local improvement projects; clarifying the authority of governing bodies to provide for the maintenance of a project; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 508—An Act relating to local governmental financial administration; requiring a city or county that imposes certain fees upon a public utility to provide to the public utility information concerning the identification of its customers; requiring a public utility to pay certain fees in legal tender of the United States; prohibiting a public utility from collecting certain delinquent fees from its customers; authorizing a city or county to provide by ordinance that certain fees imposed on a public utility may be collected from a governmental entity of the state if that entity is a customer of the public utility; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 509—An Act making an appropriation to the Division of State Lands of State Department of Conservation and Natural Resources for the purchase of property that is available in the Capitol Complex; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 510—An Act relating to public employment; increasing the per diem for state officers and employees; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Chowning, Cegavske, Von Tobel, Krenzer, Giunchigliani, Marvel, Price, Goldwater, Dini, Hickey, Buckley, de Braga, Ohrenschall, Evans, Bache, Freeman, Parks, Braunlin, Koivisto, Lee, Mortenson, Sandoval, Manendo, Herrera, Ernaut, Hettrick, Neighbors, Tiffany, Amodei, Berman, Anderson, Perkins and Williams:

Assembly Bill No. 511—An Act relating to fireworks; authorizing the state fire marshal to adopt regulations regarding the types of fireworks that a local government may authorize for public use; requiring regulations and ordinances adopted by certain governmental entities to be as restrictive as the regulations adopted by the state fire marshal; imposing civil liability under certain circumstances for the storage or use of fireworks; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 236:

YEAS — 39.

NAYS — None.

Excused — Collins, Nolan, Segerblom — 3.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 239:

YEAS — 39.

NAYS — None.

Excused — Collins, Nolan, Segerblom — 3.

Assembly Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 396.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Price, Ernaut, Anderson and Amodei.

Roll call on Assembly Bill No. 396:
YEAS — 34.
NAYS — Anderson, Bache, Buckley, Koivisto, Sandoval — 5.
Excused — Collins, Nolan, Segerblom — 3.
Assembly Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 407.
Bill read third time.
Remarks by Assemblywoman Lambert.
Roll call on Assembly Bill No. 407:
YEAS — 39.
NAYS — None.
Excused — Collins, Nolan, Segerblom — 3.
Assembly Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 87.
Bill read third time.
Remarks by Assemblyman Close.
Roll call on Senate Bill No. 87:
YEAS — 38.
NAYS — None.
Not voting — Carpenter.
Excused — Collins, Nolan, Segerblom — 3.
Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 95.
Bill read third time.
Remarks by Assemblyman Perkins.
Roll call on Senate Bill No. 95:
YEAS — 39.
NAYS — None.
Excused — Collins, Nolan, Segerblom — 3.
Senate Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Diane McCollum.

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Caskey, Charelle Durant, Bridgett Flynn, Valerie Gallagher, Sharon Giron, Katie Gosney, Melissa Musgrave, Gaby Orozco, Brenda Torres, Karen Gould and Cheryl Leonard.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ray McCollum and Marge McCollum.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Severt.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Sally Normington, Anna Art, Sylvia Case, Sherrie Clark, Betty Curtis, Kathy Parker, Rebecca Pennell, Betty Plant, Doris Prentice, Maureen Rovig, Beverly Jean Sheneman, Evelyn Tannehill, Rosemary Volpp and Terry Volpp.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 20, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-FIRST DAY

CARSON CITY (Tuesday), May 20, 1997

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Segerblom, who was excused.

Prayer by the Chaplain, The Reverend W. Duane Geyer.

Our Father, thank You for the wonderful adventure of faith and prayer You invite us to enjoy. As we embrace the challenges, and stretching moments of this day, help us to keep in mind that You are with us to help us. Expand our minds and hearts so that we might understand the blessing of Your grace, and desire You have to give us powerful insight in every area of our responsibility. May You open our hearts and minds with a fresh sense of expectation, as we turn our focus toward how much we can accomplish when we work together for the good of all. In the wonderful Name of the Lord we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was re-referred Senate Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 26, 27.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 103, 330, 359.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 5, 6, 99, 101, 247, 265.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 18.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 18.

Assemblyman Perkins moved that the resolution be referred to the Committee on Commerce.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Lee, Hickey, Tiffany, Parks, Amodei, Mortenson, Braunlin, Williams, Neighbors, Perkins, Bache, Humke, Von Tobel, Carpenter, Sandoval, Gustavson, de Braga, Marvel, Evans, Koivisto, Hettrick, Price, Chowning, Cegavske, Manendo, Freeman, Goldwater, Giunchigliani, Ohrenschall, Krenzer, Lambert, Herrera and Buckley:

Assembly Bill No. 512—An Act relating to contractors; providing for the regulation of contracts for the construction of residential swimming pools; prohibiting certain acts and omissions by contractors regarding the construction of residential swimming pools; requiring specific disclosures by certain contractors; requiring the state contractors' board to adopt certain informational statement; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 5.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 6.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 99.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 101.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 103.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 247.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 265.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 330.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 359.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 28—Directing the Legislative Committee on Health Care to study the long-term health care needs of the residents of the State of Nevada.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblyman Close moved that Assembly Bill No. 155 be taken from the Chief Clerk's desk and placed on the Second Reading File immediately following Assembly Bill No. 463.

Remarks by Assemblyman Close.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 190.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 379.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 532.220 is hereby amended to read as follows:

532.220 1. The channel [clearance,] *maintenance, restoration,* surveying and monumenting program is hereby established and must be administered by the state engineer.

2. This program is to aid local governments in this state in the [clearance,] *maintenance, restoration,* surveying and monumenting of navigable rivers.

3. Any incorporated city, county or other political subdivision of this state may apply to the state engineer for a grant under this program if [:

(a) Federal money is not available for the proposed project;

(b) The] *the* incorporated city, county or other political subdivision requesting the money agrees to match the state grant equally . [with its money; and

(c) The amount requested does not exceed the balance available.]

4. As used in this section, "navigable river" means a river or stream that is used, or is susceptible of being used, in its ordinary condition for trade or travel in the customary modes of trade or travel on rivers or streams.".

Amend section 1, page 1, line 2, by deleting "clearance," and inserting: "[clearance,] *maintenance, restoration,*".

Amend sec. 2, page 1, line 11, by deleting "clearance," and inserting: "[clearance,] *maintenance, restoration,*".

Amend sec. 2, page 1, line 12, by deleting "$250,000." and inserting "$200,000.".

Amend the title of the bill to read as follows: "An Act relating to navigable rivers; revising provisions governing the channel clearance, surveying and monumenting program; increasing the amount retained in the account for the program; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill as follows: "Summary—Revises provisions governing channel maintenance, restoration, surveying and monumenting. (BDR 48-1161)".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 315.

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

"Section 1. NRS 392.375 is hereby amended to read as follows:

392.375 1. [Each] *At least twice each school year, a* school district shall require all [of] the pupils in the *school* district who ride a school bus to practice the evacuation of a school bus [twice each school year.] *and to receive instruction in the responsibility of a passenger of a school bus to use the emergency exit doors on the bus during an evacuation.*

2. *Each school district shall adopt a safety program which includes, without limitation:*

(a) The procedure for pupils to safely enter and exit a school bus, including entering and exiting with a driver of a school bus as an escort;

(b) Proper behavior and conduct of pupils while in areas around a school bus where a high risk of danger to pupils exists, including the area that is used to load and unload school buses;

(c) Behavior and conduct of pupils while on a school bus that will enhance the safety of the pupils;

(d) Evacuation of pupils from a school bus; and

(e) The location of emergency equipment on a school bus.

At least annually, a school district shall require all pupils who are enrolled in preschool, kindergarten and in grades 1 to 4, inclusive, in the school district who ride a school bus to participate in the safety program created pursuant to this section.

3. If a parent or legal guardian enrolls his child in preschool, kindergarten or grades 1 to 6, inclusive, and the child will be riding a school bus for the first time, the school shall provide the parent or legal guardian, upon enrollment, with written information concerning the safety of pupils on a school bus. The information must include, without limitation:

(a) A description of each location that is designated to load and unload a school bus which is in geographical proximity to the pupil's residence;

(b) Rules of conduct for pupils on a school bus and at an area that is designated for pupils to enter and exit a school bus;

(c) Instructions for the operation of a motor vehicle:

(1) At school crossing zones and in areas that are designated to load and unload a school bus; and

(2) When a driver of a school bus operates a system of flashing red lights;

(d) A description of the area around a school bus that poses a high risk of danger to pupils and other pedestrians; and

(e) Behavior and conduct for pupils who walk to and from an area that is designated for pupils to enter and exit a school bus that will enhance the safety of the pupils.

4. The board of trustees *of each school district* shall adopt regulations regarding practices conducted pursuant to subsection 1 [,] *and participation in safety programs required by subsection 2,* including the requirement of such practices *and participation in such programs* at the beginning of any field trip by school bus.".

Amend the title of the bill to read as follows: "An Act relating to school buses; requiring school districts to adopt safety programs for pupils who ride school buses; requiring certain pupils to participate in the programs; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Requires adoption of safety programs for pupils who ride school buses. (BDR 34-1149)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Assemblywoman Chowning moved that Assembly Bill No. 205 be re-referred to the Committee on Education.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Education.

Assembly Bill No. 370.

Bill read second time and ordered to third reading.

Assembly Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Infrastructure:

Amendment No. 366.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend sec. 3, page 1, by deleting lines 9 and 10 and inserting:

"Sec. 2. *"Overhead service facilities" means service facilities located above the surface of the ground, except*".

Amend sec. 3, page 1, line 16, after "*overhead*" by inserting "*service*".

Amend sec. 3, page 1, line 17, after "*overhead*" by inserting "*service*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 3, to read as follows:

"Sec. 3. *"Service facilities" means any works or improvements used or useful in providing:*

1. Electric or communication service; or

2. Service from a community antenna television system as that term is defined in NRS 711.040,

including, but not limited to, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances.".

Amend sec. 4, page 2, by deleting lines 1 through 4 and inserting:

"Sec. 4. *"Service provider" means:*

1. A person or corporation subject to the jurisdiction of the public service commission of Nevada that provides electric or communication service to the public; and

2. A community antenna television company as that term is defined in NRS 711.030,

by means of service facilities.".

Amend sec. 5, page 2, by deleting lines 6 through 8 and inserting: "*existing overhead service facilities owned by one or more service providers and the replacement thereof with underground service facilities constructed at the*".

Amend sec. 6, page 2, by deleting lines 13 and 14 and inserting: "*to establish such a district, each service provider that owns the overhead service facilities to be converted to*".

Amend sec. 6, page 2, line 18, by deleting: "*public utility corporation*" and inserting "*service provider*".

Amend sec. 6, page 2, by deleting lines 21 through 26 and inserting: "*service provider that owns the overhead service facilities to be converted in the proposed improvement district a written estimate of the cost to convert those facilities to underground facilities. The service provider shall provide its estimate of the cost of the conversion to the governing body not later than 120 days after the service provider receives the request from the governing body.*".

Amend sec. 6, page 2, by deleting lines 32 through 34 and inserting: "*more of the service providers that own the overhead service facilities to be converted, pursuant to a written agreement between the governing body and each service provider*".

Amend sec. 6, page 2, line 42, by deleting: "*public utility corporation*" and inserting "*service provider*".

Amend sec. 6, page 3, line 11, by deleting: "*public utility corporation*" and inserting "*service provider*".

Amend sec. 7, page 3, line 17, by deleting: "*public utility corporation*" and inserting "*service provider*".

Amend sec. 7, page 3, line 19, by deleting: "*public utility corporation,*" and inserting "*service provider,*".

Amend sec. 7, page 3, by deleting lines 24 and 25 and inserting:

"*(a) For service facilities that provide electric service, up to the service entrance.*

(b) For service facilities that provide communication service or service from a community antenna television system as that term is defined in NRS 711.040, to the connection point within the house".

Amend sec. 7, page 3, by deleting lines 30 and 31 and inserting: "*land.*".

Amend sec. 9, page 4, by deleting lines 29 and 30 and inserting: "*with the approval of each service provider that owns the overhead service facilities to be converted.*".

Amend the title of the bill, third line, by deleting: "electric and communication" and inserting "service".

Amend the summary of the bill, second line, by deleting: "electric and communication" and inserting "service".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater, Collins, Anderson and Williams.

Assemblyman Williams moved that Assembly Bill No. 379 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 430.

Bill read second time and ordered to third reading.

Assembly Bill No. 446.

Bill read second time and ordered to third reading.

Assembly Bill No. 463.

Bill read second time and ordered to third reading.

Assembly Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 403.

Amend section 1, page 1, line 15, by deleting: "2, 3 and 4" and inserting: "2 to 7, inclusive,".

Amend the bill as a whole by deleting sections 2 through 4, renumbering sec. 5 as sec. 8 and adding new sections designated sections 2 through 7, following section 1, to read as follows:

"Sec. 2. *The provisions of sections 3 to 7, inclusive, of this act do not apply to any facility for the treatment of abuse of alcohol or drugs.*

Sec. 3. *1. Each applicant for a license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups shall submit to the central repository for Nevada records of criminal history two complete sets of fingerprints for submission to the Federal Bureau of Investigation for its report.*

2. The central repository for Nevada records of criminal history shall determine whether the applicant has been convicted of a crime listed in section 7 of this act and immediately inform the administrator of the facility, if any, and the health division of whether the applicant has been convicted of such a crime.

Sec. 4. *1. Except as otherwise provided in subsection 4, within 10 days after hiring an employee, the administrator of, or the person licensed to operate, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups shall:*

(a) Obtain a written statement from the employee stating whether he has been convicted of any crime listed in section 7 of this act;

(b) Obtain a verbal and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain from the employee two sets of fingerprints and a written authorization to forward the fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report; and

(d) Submit to the central repository for Nevada records of criminal history the fingerprints obtained pursuant to paragraph (c).

2. The central repository for Nevada records of criminal history shall determine whether the employee has been convicted of a crime listed in section 7 of this act and immediately inform the health division, the administrator of and the person licensed to operate, the agency or facility at which the person is employed of whether or not the employee has been convicted of such a crime.

3. The central repository for Nevada records of criminal history may impose a fee upon an agency or a facility that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The agency or facility may recover from the employee not more than one-half of the fee imposed by the central repository. If the agency or facility requires the employee to pay for any part of the fee imposed by the central repository, it shall allow the employee to pay the amount through periodic payments.

4. The provisions of this section do not apply to an employee who has undergone an investigation of his criminal background as a condition to receiving a professional license in this state.

Sec. 5. *Each agency to provide nursing in the home, facility for intermediate care, facility for skilled nursing and residential facility for groups shall maintain accurate records of the information concerning its employees collected pursuant to section 3 of this act, and shall maintain a copy of the fingerprints submitted to the central repository for Nevada records of criminal history and proof it submitted two sets of fingerprints to the central repository for its report. These records must be made available for inspection by the health division at any reasonable time and copies thereof must be furnished to the health division upon request.*

Sec. 6. *1. Upon receiving information from the central repository for Nevada records of criminal history pursuant to section 4 of this act, or evidence from any other source, that a person who is employed at an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups has been convicted of a crime listed in paragraph (a) of subsection 1 of section 7 of this act, the administrator of, or the person licensed to operate, the agency or facility shall terminate the employment of that person after allowing him any time to correct the information as required pursuant to subsection 2.*

2. If an employee believes that the information provided by the central repository is incorrect, he may immediately inform the agency or facility. An agency or facility that is so informed shall give an employee a reasonable amount of time of not less than 30 days to correct the information received from the central repository before terminating the employment of the person pursuant to subsection 1.

3. An agency or facility that has complied with section 4 of this act may not be held civilly or criminally liable based solely upon the ground that the agency or facility allowed an employee to work:

(a) Before it received the information concerning the employee from the central repository;

(b) During any period required pursuant to subsection 2 to allow the employee to correct such information;

(c) Based on the information received from the central repository, if the information received from the central repository was inaccurate; or

(d) Any combination thereof.

An agency or facility may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 7. *1. In addition to the grounds listed in NRS 449.160, the health division may deny a license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups to an applicant or may suspend or revoke the license of a licensee to operate such a facility if:*

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(4) Abuse or neglect of a child or contributory delinquency;

(5) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;

(6) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

(7) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

(b) The licensee has continued to employ a person who has been convicted of a crime listed in paragraph (a).

2. In addition to the grounds listed in NRS 449.160, the health division may deny a license to operate an agency to provide nursing in the home to an applicant or may suspend or revoke the license of a licensee to operate such an agency if the licensee has continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1. ".

Amend sec. 5, page 2, line 37, by deleting: "*2, 3 and 4* " and inserting: "*2 to 7, inclusive,*".

Amend the bill as a whole by renumbering sec. 6 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 5, to read as follows:

"Sec. 9. NRS 449.060 is hereby amended to read as follows:

449.060 *1.* Each license issued pursuant to NRS 449.001 to 449.240, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of the fee provided in NRS 449.040 and 449.050 unless the health division finds, after an investigation, that the facility has not:

[1.] *(a)* Satisfactorily complied with the provisions of NRS 449.001 to 449.240, inclusive, or the standards and regulations adopted by the board; or

[2.] *(b)* Obtained the approval of the director of the department of human resources before undertaking a project, if such approval is required by NRS 439A.100; or

[3.] *(c)* Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide nursing in the home, a residential facility for intermediate care, a facility for skilled nursing or a residential facility for groups must include, without limitation, a statement that the facility or agency is in compliance with the provisions of sections 2 to 7, inclusive, of this act.

Sec. 10. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The central repository for Nevada records of criminal history is hereby created within the Nevada highway patrol division of the department.

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

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

(b) Submit the information collected to the central repository in the manner recommended by the advisory committee and approved by the director of the department.

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history it collects, and any information in its possession relating to the genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense, to the division in the manner prescribed by the director of the department. A report of disposition must be submitted to the division:

(a) Through an electronic network;

(b) On a [media] *medium* of magnetic storage; or

(c) In the manner prescribed by the director of the department,

within 30 days after the date of disposition. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall:

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

(1) Sexual offenses and other records of criminal history; and

(2) The genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense.

(b) Use a record of the subject's fingerprints as the basis for any records maintained regarding him.

5. The division may:

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

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of such information; and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person:

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

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

(3) About whom any agency of the state or any political subdivision has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction [.] *or;*

(4) For whom such information is required to be obtained pursuant to section 4 of this act.

6. The central repository shall:

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

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

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

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

(1) Has applied to the superintendent of public instruction for a license;

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

(3) Is employed by a county school district,

and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district by providing him with a list of all persons:

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

(2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation,

who the central repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.

(f) *Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to section 3 or 4 of this act.*

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

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

7. The central repository may:

(a) At the recommendation of the advisory committee and in the manner prescribed by the director of the department, disseminate compilations of statistical data and publish statistical reports relating to crime or delinquency of children.

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

8. As used in this section, "advisory committee" means the committee established by the director of the department pursuant to NRS 179A.078.".

Amend sec. 6, page 2, line 41, after "6." by inserting "1.".

Amend sec. 6, pages 2 and 3, by deleting line 44 on page 2 and lines 1 through 3 on page 3 and inserting: "residential facility for groups before October 1, 1997, shall provide the central repository for Nevada records of criminal history with two complete sets of fingerprints on or before November 1, 1997.

2. Each person who is an employee of an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups before October 1, 1997, shall provide the administrator of, or the person licensed to operate, the agency or facility at which he is employed with two complete sets of fingerprints on or before November 1, 1997.".

Amend the preamble of the bill, page 1, line 4, by deleting "persons;" and inserting "persons; and".

Amend the preamble of the bill, page 1, between lines 4 and 5, by inserting:

"WHEREAS, Agencies to provide nursing in the home also provide assistance to these vulnerable residents; and".

Amend the preamble of the bill, page 1, line 6, by deleting "facilities;" and inserting: "facilities and agencies; and".

Amend the preamble of the bill, page 1, lines 8 and 9, by deleting: "persons who reside in those facilities;" and inserting: "these vulnerable residents;".

Amend the title of the bill to read as follows: "An Act relating to personal care facilities; requiring the central repository for Nevada records of criminal history to check the criminal history of each applicant for a license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups and of each employee of each such facility and employee of each agency to provide nursing in the home; authorizing the health division of the department of human resources to deny or revoke a license if an applicant for a license to operate any such facility or his employee has been convicted of a certain crime; requiring the administrator of each such facility to terminate the employment of an employee who is convicted of a certain crime; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes related to applicant for license to operate facility for intermediate care, facility for skilled nursing or residential facility for groups and of employees of each such facility and employees of agency to provide nursing in home. (BDR 40-265)".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 392.

Amend section 1, page 2, by deleting lines 18 and 19 and inserting:

"*(a) Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original*".

Amend section 1, page 3, line 27, by deleting the period and inserting: "*of this subsection.*".

Amend the bill as a whole by adding a new section designated as sec. 6, following sec. 5, to read as follows:

"Sec. 6. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Amend the title of the bill, sixth line, after "restitution;" by inserting: "providing a penalty;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Ways and Means.

Senate Bill No. 46.

Bill read second time.

The following amendment was proposed by the Committee on Infrastructure:

Amendment No. 365.

Amend section 1, page 1, line 8, by deleting "*a contract*" and inserting: "*an interlocal agreement*".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 393.

Amend sec. 9, page 2, line 11, by deleting "*A*" and inserting: "*Except as otherwise provided in subsection 3, a*".

Amend sec. 9, page 2, by deleting line 15 and inserting: "*(c) Engages in sexual conduct with a pupil who is 16 or 17 years of*".

Amend sec. 9, page 2, line 27, by deleting "*students*" and inserting "*pupils*".

Amend sec. 9, page 2, between lines 28 and 29, by inserting:

"*3. The provisions of this section do not apply to a person who is married to the pupil.*".

Amend sec. 10, page 2, line 29, by deleting "*A*" and inserting: "*Except as otherwise provided in subsection 3, a*".

Amend sec. 10, page 2, after line 42, by inserting:

"*3. The provisions of this section do not apply to a person who is married to the student.*".

Amend the title of the bill to read as follows: "An Act relating to crimes; prohibiting a person employed in a position of authority by a public school or private school from engaging in sexual conduct with a pupil who is 16 or 17 years of age; prohibiting a person employed in a position of authority by a college or university from engaging in sexual conduct with a student who is 16 or 17 years of age; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Prohibits person employed in position of authority by school, college or university from engaging in sexual conduct with certain pupils or students. (BDR 15-714)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 379 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Infrastructure:

Amendment No. 366.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend sec. 3, page 1, by deleting lines 9 and 10 and inserting:

"Sec. 2. *"Overhead service facilities" means service facilities located above the surface of the ground, except*".

Amend sec. 3, page 1, line 16, after "*overhead*" by inserting "*service*".

Amend sec. 3, page 1, line 17, after "*overhead*" by inserting "*service*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 3, to read as follows:

"Sec. 3. *"Service facilities" means any works or improvements used or useful in providing:*

1. Electric or communication service; or

2. Service from a community antenna television system as that term is defined in NRS 711.040,

including, but not limited to, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances.".

Amend sec. 4, page 2, by deleting lines 1 through 4 and inserting:

"Sec. 4. *"Service provider" means:*

1. A person or corporation subject to the jurisdiction of the public service commission of Nevada that provides electric or communication service to the public; and

2. A community antenna television company as that term is defined in NRS 711.030,

by means of service facilities.".

Amend sec. 5, page 2, by deleting lines 6 through 8 and inserting: "*existing overhead service facilities owned by one or more service providers and the replacement thereof with underground service facilities constructed at the*".

Amend sec. 6, page 2, by deleting lines 13 and 14 and inserting: "*to establish such a district, each service provider that owns the overhead service facilities to be converted to*".

Amend sec. 6, page 2, line 18, by deleting: "*public utility corporation*" and inserting "*service provider*".

Amend sec. 6, page 2, by deleting lines 21 through 26 and inserting: "*service provider that owns the overhead service facilities to be converted in the proposed improvement district a written estimate of the cost to convert those facilities to underground facilities. The service provider shall provide its estimate of the cost of the conversion to the governing body not later than 120 days after the service provider receives the request from the governing body.*".

Amend sec. 6, page 2, by deleting lines 32 through 34 and inserting: "*more of the service providers that own the overhead service facilities to be converted, pursuant to a written agreement between the governing body and each service provider*".

Amend sec. 6, page 2, line 42, by deleting: "*public utility corporation*" and inserting "*service provider*".

Amend sec. 6, page 3, line 11, by deleting: "*public utility corporation*" and inserting "*service provider*".

Amend sec. 7, page 3, line 17, by deleting: "*public utility corporation*" and inserting "*service provider*".

Amend sec. 7, page 3, line 19, by deleting: "*public utility corporation,*" and inserting "*service provider,*".

Amend sec. 7, page 3, by deleting lines 24 and 25 and inserting:

"*(a) For service facilities that provide electric service, up to the service entrance.*

(b) For service facilities that provide communication service or service from a community antenna television system as that term is defined in NRS 711.040, to the connection point within the house".

Amend sec. 7, page 3, by deleting lines 30 and 31 and inserting "*land.*".

Amend sec. 9, page 4, by deleting lines 29 and 30 and inserting: "*with the approval of each service provider that owns the overhead service facilities to be converted.*".

Amend the title of the bill, third line, by deleting: "electric and communication" and inserting "service".

Amend the summary of the bill, second line, by deleting: "electric and communication" and inserting "service".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblymen Freeman, Krenzer, Chowning and Ernaut.

Conflict of interest declared by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 24:

YEAS — 40.

NAYS — None.

Not voting — Krenzer.

Excused — Segerblom.

Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 147.

Bill read third time.

Remarks by Assemblymen Goldwater and Krenzer.

Conflict of interest declared by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 147:

YEAS — 39.

NAYS — Carpenter.

Not voting — Krenzer.

Excused — Segerblom.

Assembly Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 32, 300; Assembly Concurrent Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Bernadette Francke, Vera Williams and Doris Dwyer.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Sullivan, Frank Martinez, Jeff Acosta, Destinee Allen, Sam Austin, Derek Bautista, J. B. Benna, Aaron Bergamo, April Berge, Jamie Bertelson, Bill Bleiehner, Jason Calvanese, Kevin Campbell, Severin Carlson, Betsy Caron, Sabrina Carroll, Elisabeth Chan, Jennifer Charlebois, Tim Clausen, Chris Conklin, Peter Crudo, Alex Cuenca, Bayo Curry, Fred Cutler, Gino De Tomaso, Rob Deane, Emily Dempsey, Becky Dickinson, Sam Donahoe, Paige Elliott, Megan Etechto, Michele Fraher, Dan Freitag, Manisha Gandhi, Kerry Gentry, Julie Harris, Sheri Ihde, Ed Keim, Tim Kennedy, Tom Killian, Curtis Kolvet, Shane Krause, Kevin Krichbaum, Liane Lee, Brianne Lopes, Lori Lucero, Nick Luongo, Patrick Lyttle, Matilda Magee, Matt Martinez, Katie McHugh, Sam McMullen, Don Millare, Galen Mitchell, Trevor Nolan, Catherine O'Mara, Brian O'Neill, Steven Pacheco, Erin Reilly, Ana Restrepo, Emily Ritter, Cody Scolari, Jeremy Shields, John Schonder, Olivia Sierra, Bridget Springgate, Briana Sullivan, Whitney Trader, Sam

VanDeWall, Gwyn Vergara, Michelle Vink, Ronnie Vohland, Becky Warner, Aaron Wellelsey, Kim Wicksnin, Jennifer Yenick, Sonia Zarycany and Tony Zuliani.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Brooks, Ricky Burdick, Dusty Cornwall, Tim Fuller, Angela Guastella, Gabe Hatchett, Natasha Holt, Janna Huffman, Chris Kallas, Erik Kennedy, Dillon Leknes, Will Leoppard, Jamie Lipkowitz, Brett McCormick, Michael Morris, Sierra Murphy, Everett Osorio, Amber Pelletier, Jacob Piemel, Mark Rasmusson, Silvano Sanchez, Jeff Slocum, Romaine Smokey, Elliot Souza, Adam Suschena, Rene Swift, Nich Weigand, Jesse Williams, Shawn Yevak, Jamie York, Matt Anton, Jeremiah Bashaw, Dan Bradshaw, Kevin Craig, Lori Dennis, Joe Gebhardt, Steven Gray, Charity Hobson, Nicole Jackson, Tyler Jeffers, Andy Johnson, Cliff Johnson, Peter Keegan, Chelsea Kronenberg, Jeanifer Lentz, Brenden McGraw-Romine, Chris Montgomery, Ben Nichols, Amber Oglesby, Dillon Rogers, Jeremy Taylor, Jen VanArsdall, Nicole Weber, Jason Adams, Brandon Nolan, Nancy Vilavalencia, Eric Hilliard, Risha Abele, Kristin Burtt, Zach Cassner, Noel Cruz, Derek Dimitri, Joe Garcia, Kathryne Green, Lauren Hayes, Albert Hernandez, Robbie Honer, Chris Knibbs, Emilie Larsen, Ellen Lillegard, Nellie Madera, Arlene Miller, Brian Nelson, Zach Rosenbloom, Serrell Smokey, Jerry Stevens, Myles Sylvester, Steven Thompson, Jessica Wright, Vito Baccellia, Tom Bayley, Adam Blount, Billy Brandstetter, Jaclyn Campbell, Dan Chaney, Kolt Clore, Mike Cruz, Jason Doering, Courtney Gardner, Eric Grigsby, Brian Hilliard, Rachelle Leal, Ana Rosa Montes, Michael Moore, Jen Morgan, Tiffany Oliveria, Adam Palmer, Justin Peneueta, Desiree Ransom, Zane Rivera, Jesse Sparman, Johnmark Stephan, Jason Taylor, Gabbie Vazquez, Teresa Agey, Karen Dorf, Tom Morgan, Melissa Nikolai, Dana Kyle, Mr. Bount, Mrs. Larsen and Mrs. Sylvester.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to John Schonder, William W. Bieichner and Stephan Pacheco.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to John Fleischmann.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Verita Black.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Liane Lee and Bayo Curry.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, May 21, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-SECOND DAY

CARSON CITY (Wednesday), May 21, 1997

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Tom Chism.

Heavenly Father, without You we can do nothing. It is Your faithfulness to Your creation and Your commitment to including us in Your eternal plan, that allows us to handle the business of Heaven's Kingdom on this earth. Bless these who have been given the formidable task of bringing resolution to the difficult issues of this day. Let it be done with clarity, with compassion, and with humility. Bless this great state. May all prosper under the direction of these legislators and the laws they institute. In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 422, 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 348, 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 223, 226, 229, 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 513—An Act relating to taxation; revising the provisions governing the submission of claims by the county assessor and payment of senior citizen property tax assistance refunds by the department of taxation; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 514—An Act relating to the public employees' retirement system; authorizing certain public employees to retire at any age if the sum of the age and years of service of the employee is equal to or greater than 75 years; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Koivisto, Herrera, Gustavson, Ohrenschall, Sandoval, Anderson, Buckley, Carpenter, Nolan, Manendo, Cegavske, Collins, Lee, Parks, Lambert, Chowning, Freeman, Bache, Giunchigliani and Krenzer:

Assembly Bill No. 515—An Act relating to crimes; enhancing the penalty for gross misdemeanors that are committed on public or private school property or on a school bus; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Freeman (by request):

Assembly Bill No. 516—An Act relating to mining; requiring an operator of an exploration project or mining operation to pay a fee to the director of the state department of conservation and natural resources for ground water

used for that exploration project or mining operation under certain circumstances; creating the fund for the study of the use of ground water in exploration projects and mining operations; authorizing the director of the state department of conservation and natural resources to use the money in the fund for certain projects; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Freeman and Lee:

Assembly Bill No. 517—An Act relating to nuisances; requiring the enactment of local ordinances to address the abatement of chronic nuisances; authorizing the enactment of local ordinances to provide for the reimbursement of costs incurred by the local government to abate certain conditions; providing that a place used for certain acts involving a controlled substance is a public nuisance; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 518—An Act relating to pupils; requiring courts to provide to school districts information regarding pupils who have unlawfully caused or attempted to cause serious bodily injury to another person; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 519—An Act making an appropriation to the Advisory Board on Maternal and Child Health for the continuation of the program developed by the perinatal substance abuse subcommittee; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 378.

Amend section 1, page 1, line 2, by deleting "Industry the" and inserting: "Industry:

1. The".

Amend section 1, page 1, between lines 4 and 5, by inserting:

"2. The sum of $30,400 for the Veterinary Medicine Program.".

Amend sec. 2, page 1, line 5, by deleting "appropriation" and inserting "appropriations".

Amend the title of the bill as follows: "An Act making appropriations to the Division of Agriculture of the Department of Business and Industry for certain programs; and providing other matters properly relating thereto.".

Amend the summary of the bill as follows: "Summary—Makes appropriations to Division of Agriculture of Department of Business and Industry for certain programs. (BDR S-1420)".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 310.

Bill read second time and ordered to third reading.

Senate Bill No. 92.

Bill read second time and ordered to third reading.

Senate Bill No. 96.

Bill read second time and ordered to third reading.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 341.

Amend section 1, page 2, by deleting lines 4 through 12 and inserting:

"(b) A fee of $50 for a registered owner *of a dormant vehicle* who [had insurance on the date specified in the form for verification that was mailed by the department pursuant to subsection 2 of NRS 485.317, but failed to return the form within the time specified in that subsection,] *canceled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first canceling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,*".

Amend sec. 6, page 5, by deleting lines 11 through 25 and inserting:

"7. If a registered owner [:

(a) Proves] *proves* to the satisfaction of the department that his vehicle was [not used in this state for a 30-day period, including the date on] *a dormant vehicle during the period in* which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle , [; or

(b) Who did not return a completed form for verification within the period specified in subsection 2 subsequently proves to the satisfaction of the department that his vehicle was insured on the date stated in the form mailed by the department pursuant to subsection 2, presents to the department evidence of current insurance and pays the fee for reinstatement of registration prescribed in paragraph (b) of subsection 4 of NRS 482.480,] the department shall reinstate his registration and , *if applicable,* reissue his license plates. *If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the department shall not reinstate his registration or reissue his license plates unless the owner pays the fee set forth in paragraph (b) of subsection 4 of NRS 482.480.*".

Amend sec. 7, page 5, by deleting lines 37 through 42 and inserting:

"*3. A person who owns a dormant vehicle who desires to cancel the policy of liability insurance covering that vehicle or to allow such a policy to expire:*

(a) Shall, on or before the date on which the policy is canceled or expires, cancel the registration of the vehicle to which that policy pertains.".

Amend sec. 7, page 6, by deleting line 3 and inserting: "*exceed 1 year.*

4. The department shall adopt regulations which define "extended period," "mechanical circumstances" and "seasonal circumstances" for the purposes of section 2 of this act.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 370.

Bill read third time.

Remarks by Assemblymen de Braga, Hickey and Anderson.

Roll call on Assembly Bill No. 370:

YEAS — 42.

NAYS — None.

Assembly Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 430.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 430:

YEAS — 42.

NAYS — None.

Assembly Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 446.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 446:

YEAS — 42.

NAYS — None.

Assembly Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 463.

Bill read third time.

Remarks by Assemblymen Arberry and Carpenter.

Roll call on Assembly Bill No. 463:

YEAS — 42.

NAYS — None.

Assembly Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 122.

The following Senate amendment was read:

Amendment No. 210.

Amend section 1, page 2, by deleting line 6 and inserting: "2. [No agency] *A* regulation, rule, final order or decision *of*".

Amend sec. 5, page 4, line 13, by deleting "and micrographics".

Amend sec. 5, page 4, line 32, by deleting "and micrographics".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 122.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Phillip Stewart and Evelyn Clay.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Edna Chism, Fabiola Alejos, Chloe Boudreau, Teresa Brandon-Tremel, Brandon Dini, Jeramy Drake, Travis Edney, Travis Hansen, Megan Harrington, Adam Harris, Stephen Koontz, Cass Leiter, Andrea Lloyd, Steven Moccio, David Nelson, Beckie Nuti, Jason Nuti, Jacob Roseberry, Daniel Shehady, Justin Thran, Kayla Verdugo, Lorena Verdugo, Tosca Renner, Daniel Shehady, Sr., Sandra Lloyd and Dixie Boninsegna.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, May 22, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 11:42 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-THIRD DAY

CARSON CITY (Thursday), May 22, 1997

Assembly called to order at 11:19 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ernaut, who was excused.

Prayer by the Chaplain, Pastor W. Duane Geyer.

Our Father, and our God, we come with anticipation to You today because Your word clearly teaches us that "whosoever will, may come." Teach us to be observant of all that is around us, so that our hearts will overflow with gratefulness for the many blessings we enjoy every day. Father, may we be mindful of how powerful our encouragement and support to each other can be. Help us be like the little boy who was asked what loving kindness was, who said, "Well, if I was hungry and someone gave me a piece of bread, that would be kindness. But if they put a little jam on it, that would be loving kindness!" Help us add a little sweetness to those we deal with today...a smile, a little respect, a kind response, is an excellent investment in others, that will net a wonderful return. May we be empowered to do this in Your strong and Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 47, 54, 322, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 126, 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 258 and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 274, 285, 337.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 40, 41.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 77, 81.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 29 and requests a conference, and appointed Senators Mathews, Wiener and Townsend as a first Committee on Conference to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 22, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 42.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 40.
Assemblyman Close moved the adoption of the resolution.
Remarks by Assemblyman Close.
Resolution adopted.

Senate Concurrent Resolution No. 41.
Assemblyman Close moved the adoption of the resolution.
Remarks by Assemblyman Close.
Resolution adopted.

Senate Concurrent Resolution No. 42.
Assemblyman Neighbors moved the adoption of the resolution.
Remarks by Assemblyman Neighbors.
Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 520—An Act relating to taxation; clarifying the provisions governing the administration of the sales and use taxes to ensure

that all retailers of large appliances collect the sales tax on the retail sales price of the appliance; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 521—An Act relating to insurance; making various changes relating to the availability and portability of health insurance for individuals, small employers and groups in certain circumstances; providing certain minimum benefits for mothers and newborn infants; providing parity for benefits for treatment of mental health in certain circumstances; establishing a program of reinsurance to insure certain eligible employees and persons; creating a board of directors of the program of reinsurance and defining its duties; providing for an assessment to pay for the program of reinsurance; providing certain civil immunity relating to the program of reinsurance; creating a committee on health benefit plans and defining its duties; providing penalties; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 522—An Act relating to mobile home parks; exempting owners of mobile home parks that are not operated for profit from the requirement to pay the annual fee imposed to finance the fund for low-income owners of mobile homes; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 523—An Act relating to education; extending the period during which the department of education may expend certain money appropriated during the previous legislative session to pay for costs relating to standard examinations of achievement and proficiency of pupils; revising the date of the prospective reversion of that appropriation; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 524—An Act relating to state financial administration; requiring the development of criteria for a business plan for use in future state budget processes; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 525—An Act relating to taxation; revising the provisions governing the use of the proceeds from the county motor vehicle fuel tax and certain sales and use taxes to allow use for maintenance and repair of roads; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Concurrent Committees on Taxation and Transportation.

Motion carried.

Senate Bill No. 274.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 285.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 337.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 407.

Amend section 1, page 1, line 2, by deleting "$1,015,383" and inserting "$560,105".

Amend section 1, page 1, line 3, by deleting "costs." and inserting: "costs and costs associated with related litigation.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 377.

Amend section 1, page 1, line 3, by deleting "$176,057" and inserting: "$114,084".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 406.

Amend section 1, page 1, line 2, by deleting "$32,384" and inserting "$27,804".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 380.

Amend section 1, page 1, by deleting line 2 and inserting: "the Department of Education:

1. The sum of $300,000 for the support of nonprofit".

Amend section 1, page 1, between lines 5 and 6, by inserting:

"2. The sum of $75,000 for distribution of a grant of money to the Governor's Advisory Council on Education Relating to the Holocaust created pursuant to NRS 233G.020 for carrying out the duties of the Council.".

Amend sec. 2, page 1, line 6, by deleting "appropriation" and inserting "appropriations".

Amend the title of the bill to read as follows: "An Act making appropriations to the Department of Education for certain nonprofit public broadcasting stations and for the Governor's Advisory Council on Education Relating to the Holocaust; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes appropriations to Department of Education. (BDR S-1243)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 215 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 122 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 420.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sections 4 through 10 as sections 1 through 7.

Amend sec. 4, page 3, by deleting lines 40 through 42 and inserting: "*An insurer shall not deny a claim, refuse to issue a policy or cancel a policy solely because the claim involves an act that constitutes domestic violence pursuant to NRS 33.018, or because the person applying for or covered by the policy was the victim of such an act of domestic violence, regardless of whether the insured or applicant contributed to any loss or injury.*".

Amend sec. 5, page 4, by deleting lines 1 through 3 and inserting: "*A society shall not deny a claim, refuse to issue a benefit contract or cancel a benefit contract solely because the claim involves an act that constitutes domestic violence pursuant to NRS 33.018, or because the person applying for or covered by the benefit contract was the victim of such an act of*

domestic violence, regardless of whether the insured or applicant contributed to any loss or injury.".

Amend sec. 6, page 4, by deleting lines 6 through 8 and inserting: "*A corporation shall not deny a claim, refuse to issue a contract for hospital, medical or dental services or cancel a contract for hospital, medical or dental services solely because the claim involves an act that constitutes domestic violence pursuant to NRS 33.018, or because the person applying for or covered by the contract was the victim of such an act of domestic violence, regardless of whether the insured or applicant contributed to any loss or injury.*".

Amend sec. 7, page 4, by deleting lines 11 through 13 and inserting: "*A health maintenance organization shall not deny a claim, refuse to issue a policy or cancel a policy solely because the claim involves an act that constitutes domestic violence pursuant to NRS 33.018, or because the person applying for or covered by the policy was the victim of such an act of domestic violence, regardless of whether the insured or applicant contributed to any loss or injury.*".

Amend sec. 8, page 4, by deleting lines 16 through 18 and inserting: "*An organization for dental care shall not deny a claim, refuse to issue a policy or cancel a policy solely because the claim involves an act that constitutes domestic violence pursuant to NRS 33.018, or because the person applying for or covered by the policy was the victim of such an act of domestic violence, regardless of whether the insured or applicant contributed to any loss or injury.*".

Amend sec. 9, page 4, line 33, by deleting "*4*" and inserting "*1*".

Amend sec. 10, page 4, by deleting lines 34 and 35 and inserting:

"Sec. 7. 1. The division of child and family services of the department of human resources, in consultation with the Nevada domestic violence prevention council, shall establish and coordinate a task force to review the role of agencies that provide protective services to children and criminal justice agencies in eliminating the impact of domestic violence on children.

2. The task force established pursuant to subsection 1 must include, without limitation:

(a) One law enforcement officer;

(b) One representative from a child protective service agency;

(c) One representative from an agency that advocates to prevent domestic violence;

(d) One representative from an agency that advocates for the rights of children;

(e) One representative from an office of the district attorney or an office of the city attorney with experience in prosecuting criminal offenses; and

(f) One justice of the supreme court, judge of a district court, justice of the peace or municipal judge.

3. The task force established pursuant to subsection 1 shall submit a report, including, without limitation, its findings and recommendations, on or before March 1, 1999, to the director of the legislative counsel bureau for distribution to the next regular session of the legislature. The task force shall provide a copy of the report to the office of the attorney general for its review to ensure compliance with federal mandates not less than 30 days before the task force submits the report to the director of the legislative counsel bureau.".

Amend the title of the bill to read as follows: "An Act relating to domestic violence; prohibiting an insurer from denying a claim, refusing to issue a policy or canceling a policy solely because the claim involves domestic violence or because the insured or applicant was the victim of domestic violence; requiring the division of child and family services of the department of human resources to establish a task force concerning the elimination of the impact of domestic violence on children; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning domestic violence. (BDR 57-935)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 325.

Amend sec. 2, page 1, by deleting lines 8 and 9 and inserting: "*A court clerk may accept an information which is filed electronically. Such an information must contain an image of*".

Amend the bill as a whole by adding new sections designated as sections 3 through 8, following sec. 2, to read as follows:

"Sec. 3. Chapter 239 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

Sec. 4. *As used in sections 4 to 7, inclusive, of this act, "public agency" means any agency, bureau, board, commission, department or division of the State of Nevada or any political subdivision thereof.*

Sec. 5. *1. Except as otherwise provided by specific statute, a public agency may:*

(a) Provide that any document submitted to the public agency may be submitted electronically and may be signed with an electronic symbol; and

(b) If the recipient of a document so authorizes, use an electronic symbol as the signature of a public officer or employee of the agency on any document for which a signature is required.

2. An electronic symbol may be accepted pursuant to subsection 1 only if it is:

(a) Unique to the person for whom it is used as a signature;

(b) Capable of verification; and

(c) Linked to data in such a manner that the signature is invalidated if the data is altered.

Sec. 6. *The secretary of state shall provide by regulation for the use of electronic symbols to substitute or supplement the handwritten or facsimile signature of a person as provided in section 5 of this act. Such regulations must include, without limitation:*

1. The manner in which a public agency may accept an electronic symbol as a substitute or supplement to a handwritten or facsimile signature; and

2. The manner in which an electronic symbol must be verified.

Sec. 7. *1. The secretary of state may license a business to verify an electronic symbol that is used as a substitute or supplement to a handwritten or facsimile signature.*

2. The secretary of state may charge a reasonable fee for such licensure.

3. The secretary of state may adopt regulations to carry out the provisions of this section.

Sec. 8. The secretary of state shall:

1. Adopt regulations pursuant to section 6 of this act not later than July 1, 1998; and

2. Consult with the department of information services, the state controller and the American Bar Association before adopting any such regulations.".

Amend the title of the bill to read as follows: "An Act relating to electronic communication; authorizing a court clerk to accept criminal complaints and informations that are filed electronically; requiring such documents to contain an electronic image of the signature of the attorney general or district attorney; authorizing a public agency to use and accept electronic symbols as a substitute or supplement to a handwritten or facsimile signature under certain circumstances; requiring the secretary of state to adopt regulations concerning the use of such electronic symbols; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning electronic communications. (BDR 14-173)".

Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 422.
Bill read second time and ordered to third reading.

Assembly Bill No. 427.
Bill read second time and ordered to third reading.

Assembly Bill No. 443.
Bill read second time.
The following amendment was proposed by the Committee on Transportation:
Amendment No. 395.
Amend section 1, page 1, by deleting line 4 and inserting: "after [October 1, 1989,] *January 1, 1998,* must be a unique number [formulated by".
Assemblywoman Chowning moved the adoption of the amendment.
Remarks by Assemblywoman Chowning.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 46, 92, 96 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 215 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 215.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 155.
Bill read third time.
Remarks by Assemblymen Close and Arberry.

Assemblyman Close moved that Assembly Bill No. 155 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Close.

Motion carried.

Assembly Bill No. 190.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 190:

YEAS — 41.

NAYS — None.

Excused — Ernaut.

Assembly Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 310.

Bill read third time.

Remarks by Assemblymen Koivisto, Giunchigliani, Hickey and Bache.

Potential conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 310:

YEAS — 31.

NAYS — Berman, Braunlin, Carpenter, Gustavson, Hettrick, Hickey, Lambert, Marvel, Sandoval, Tiffany — 10.

Excused — Ernaut.

Assembly Bill No. 310 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379.

Bill read third time.

Remarks by Assemblywoman Lambert.

Roll call on Assembly Bill No. 379:

YEAS — 41.

NAYS — None.

Excused — Ernaut.

Assembly Bill No. 379 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Williams, Buckley and Amodei as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 29.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 26, 27; Senate Bills Nos. 51, 54, 68, 98, 176, 178, 202, 232, 249; Senate Concurrent Resolutions Nos. 37, 38.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Furlong.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Harland Krgutz, Loretta Krgutz and Clarence Hanson.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Sligar.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Marsha Irwin and David Irwin.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Piazzola, Bridget Rigg-Anderson, Curtis Conklin, Amber Baker, Katie Bowman, Alex Borowy, Amber Brown, Roger Burwell, Jacob Cann, Jared Cunnington, Dan Evans, Heather DeMars, Naron Federizo, Jared Federizo, Lentry Hammond, Jake Marshall, Kacee MacKenzie, Ryan Krastins, Sarah McCallum, Mauricio Muniz, Mike Pruitt, Michael Restrio, Ashley Steers, Mary Toms, Iris Ugalde, Tena Macaldad, Brody Hammon, Victoria Morrison, Nicole Lister, James Anderson, Stacie Amick, Allisia Carpenter, Serloyd Carter, Shaina Crawford, Joey Flatley, Kyle Frank, Jennifer Gaston, Kody Grant, Jeff Graves, Chris Gutierrez, Ciera Hammond, Jaime Homstad, Preston Jeanjacques, Jennifer Kettle, Sara King, Lilia Marquez, Daniel Marro, Thomas Miller, Ashlee Nelson, Tyrel Noneo, Rudy Ortiz, Amber Pettit, Celia Quinonez, James Taylor, Daniel Tomb, Megan Zamarripa, Vincent Saldana, Erick Kelly, Noel Lindsay, Jentry Hammond, Aaron Federizo, Michael Restivo and Tomas McDonald.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Pamm Juker-Miller and Rhonda Sarantis.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Stubbs, Paul Kjellander and Glenn Harris.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to John Gwaltney and Vickie Miller.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Sonnenborg, Betina McCrosky, Susi Wilkin, Tessa Wilkin, Launa Wilkin and Jenna Wilkin.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Kathe Brintnall and Steve Brintnall.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 23, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:32 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-FOURTH DAY

CARSON CITY (Friday), May 23, 1997

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Pastor W. Duane Geyer.

Hallelujah Lord, it is Friday and another week is about to become history. Father, we would ask as we bring closure to this week that You would bless the people in this room with a season of rest and renewal. Help us to leave footprints on the sands of time that are more than just the marks of a heel. Guard our hearts Lord, as we carry out our responsibilities of leadership, to remember that greatness does not lie in "Being strong, but in the right use of strength." We will remember Lord, that the mightiest oak was once a little nut that held its ground. So help us walk carefully, stand tall, and hold on! In Your excellent and exalted Name, we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 428; Assembly Joint Resolution No. 9; Senate Bills Nos. 83, 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 149, 193, 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 13—Urging certain managers of public land to survey, control and promote the control of noxious weeds.

WHEREAS, Noxious weeds have a negative effect upon the environment, impacting all residents of the State of Nevada and affecting the land used for grazing by domestic and wild animals, farmland, native habitat, open spaces and urban areas; and

WHEREAS, Noxious weeds compete with native plants and spread rapidly, replacing diverse plant communities with unproductive monocultures that severely impact the environment; and

WHEREAS, Once a noxious weed is introduced into an area, it becomes established, reproduces and disperses its seeds in such a manner that has often been described as "an explosion in slow motion"; and

WHEREAS, Since control or management of noxious weeds is most effective and least costly during the introduction and establishment phases, and extremely difficult upon dispersal, identification of potential infestations at the early stages is essential; and

WHEREAS, Problems with noxious weeds in the State of Nevada have not been as severe as in other western states, but recent floods have contributed to a potentially threatening dispersal of these destructive weeds; and

WHEREAS, Economic losses from noxious weeds can reach major proportions, if ignored, when such weeds become established on lands used for grazing, and environmentally there is evidence that they reduce considerably the conservation of soil and water; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature do hereby urge the Forest Service of the U.S. Department of Agriculture, U.S. Department of Defense, U.S. Department of Energy and the Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service and National Park Service of the U.S. Department of Interior to:

1. Survey for, monitor and control existing noxious weed infestations;
2. Participate actively and in cooperation with state agencies to eradicate newly introduced and not yet established noxious weeds; and
3. Educate the managers of public land in the State of Nevada concerning the potential for loss of productive land if noxious weeds are allowed to proliferate; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Forest Service of the U.S. Department of Agriculture, U.S. Department of Defense, U.S. Department of Energy and the Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service and National Park Service of the U.S. Department of Interior and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblywoman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 526—An Act relating to water meters; revising the provision governing the installation of water meters in certain cities and towns; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 527—An Act relating to public works; requiring timely payments to certain design professionals and their subcontractors on public works; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Braunlin, Ernaut, Price, Sandoval, Parks, Chowning, Lambert, Amodei, Neighbors, Mortenson, Von Tobel, Carpenter, Nolan, Bache, Collins, Lee, Koivisto and Gustavson:

Assembly Bill No. 528—An Act relating to taxation; providing criteria for relief from inequitable assessment of property; and providing other matters properly relating thereto.

Assemblywoman Braunlin moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Evans moved that Assembly Bill No. 155 be taken from the Chief Clerk's desk and placed on the bottom of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 329.

Amend the bill as a whole by deleting section 1, sections 3 through 6, sections 8 through 10 and the text of the repealed sections and renumbering sections 2 and 7 as sections 1 and 2.

Amend sec. 7, pages 5 and 6, by deleting lines 27 through 44 on page 5 and lines 1 through 33 on page 6 and inserting:

"Sec. 2. NRS 502.250 is hereby amended to read as follows:

502.250 1. Except as otherwise provided in [subsection 5,] *this section,* the following fees must be charged for tags:

Resident deer tag for regular season	$15
Nonresident and alien deer tag for regular season	60
Resident antelope tag	50
Resident elk tag	100
Resident bighorn tag	100
Resident mountain goat tag	100
Resident mountain lion tag	[50] *25*

2. Other resident big game tags for special seasons must not exceed $50. Other nonresident big game tags for special seasons must not exceed $1,000.

3. Tags determined to be necessary by the commission for other species pursuant to NRS 502.130 [,] must not exceed $100.

4. A fee not to exceed $10 may be charged for processing an application for a tag other than an elk tag. A fee of not less than $5 but not more than $15 must be charged for processing an application for an elk tag, $5 of which must be deposited with the state treasurer for credit to the wildlife account in the state general fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this state.

5. The commission may accept sealed bids for or auction not more than 15 big game tags each year. To reimburse the division for the cost of managing [the] wildlife and administering and conducting the bid or auction, not more than 18 percent of the total amount of money received from the bid or auction may be deposited with the state treasurer for credit to the wildlife account in the state general fund. Any amount of money received from the bid or auction that is not so deposited must be deposited with the state treasurer for credit to the wildlife heritage trust account in the state general fund in accordance with the provisions of NRS 501.3575.

6. The commission may by regulation establish an additional drawing for big game tags, which may be entitled the partnership in wildlife drawing. [The] *To reimburse the division for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the state treasurer for credit to the wildlife account in the state general fund. Except as otherwise provided by regulations adopted by the commission pursuant to subsection 7, the* money received by the division from applicants in the drawing who are not awarded big game tags must be deposited with the state treasurer for credit to the wildlife heritage trust account in accordance with the provisions of NRS 501.3575.

7. The commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.".

Amend the title of the bill to read as follows: "An Act relating to wildlife; reducing the fee for a resident mountain lion tag; authorizing the board of wildlife commissioners to retain for administrative costs a certain percentage of the money received from an additional drawing for big game tags; authorizing the board of wildlife commissioners to adopt regulations which authorize the refund of fees paid for certain hunting tags; and providing other matters properly relating thereto.".

Assemblywoman Segerblom moved the adoption of the amendment.

Remarks by Assemblymen Segerblom, Carpenter, Ernaut, de Braga and Hettrick.

Assemblyman Hettrick moved that Assembly Bill No. 47 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 330.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 5 as sections 1 through 4.

Amend sec. 3, page 2, line 33, by deleting "or permit" and inserting: ", [or] permit *or privilege*".

Amend sec. 3, page 2, line 37, by deleting the bracket.

Amend sec. 3, page 2, line 41, by deleting the bracket.

Amend sec. 4, pages 2 and 3, by deleting lines 43 and 44 on page 2 and lines 1 through 18 on page 3 and inserting:

"501.1816 1. If a person accumulates 6 or more demerit points, but less than 12, the division shall notify him of that fact by certified mail. If, after the division mails the notice, the person presents proof to the division that he has, after his most recent wildlife [violation,] *conviction,* successfully completed a course of instruction in the responsibilities of hunters approved by the division, the division shall deduct 4 demerit points from his record. A person may attend a course of instruction in the responsibilities of hunters only once in 60 months for the purpose of reducing his demerit points.

2. If a person accumulates 12 or more demerit points [or commits a wildlife violation punishable as a gross misdemeanor] before completing a course of instruction pursuant to subsection 1, the division shall suspend *or revoke* any *hunting, fishing or trapping* license , [or] permit *or privilege* issued to him pursuant to this Title.".

Amend sec. 4, page 3, by deleting lines 32 through 41 and inserting:

"5. The periods of suspension *or revocation* imposed pursuant to this section must run concurrently. No license , [or] permit *or privilege* may be suspended *or revoked* for more than 3 years.

6. If the division suspends *or revokes* a license , [or] permit *or privilege* pursuant to this section, the period of suspension *or revocation* begins 30 days after notification pursuant to subsection 3 or a determination is made by the commission pursuant to subsection 4. After a person's license , [or] permit *or privilege* is suspended [,] *or revoked,* all demerit points accumulated by that person must be canceled.".

Amend sec. 5, page 4, line 3, after "suspended" by inserting "*or revoked*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 5, to read as follows:

"Sec. 5. NRS 502.330 is hereby amended to read as follows:

502.330 1. No hunting license may be obtained by any person born after January 1, 1960, unless he presents to the division, or one of its authorized licensing agents *:* [, either:]

(a) A certificate of successful completion of a course of instruction in the responsibilities of hunters as provided by NRS 502.340; [or]

(b) An equivalent certificate of completion of a course in the responsibilities of hunters provided by [any] *a* state or an agency of a Canadian province for the management of wildlife [.] *; or*

(c) A hunting license issued to him in a previous year by the division, a state or an agency of a Canadian province, which bears a number or other unique mark evidencing successful completion of a course of instruction in the responsibilities of hunters.

2. Any person who has been convicted of violating NRS 503.165 or 503.175 may not obtain a hunting license until he has successfully completed a course in the responsibilities of hunters conducted pursuant to NRS 502.340.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 405.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sec. 4 as sec. 2.

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to state financial administration; revising the reversion for certain previously appropriated".

Amend the summary of the bill, by deleting the first line and inserting: "Summary—Revises reversion".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 328.

Amend section 1, page 2, by deleting lines 8 and 9 and inserting:

"*(a) "Severe mental disability" means a mental impairment that is medically documented and limits substantially one or more of a person's major life activities. The term includes, without limitation, mental retardation, severe mental or emotional illness and a severe learning disability.*".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 423.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

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

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36.

Bill read third time.

Remarks by Assemblymen Carpenter, Chowning, Goldwater and Ohrenschall.

Roll call on Assembly Bill No. 36:
YEAS — 41.
NAYS — None.
Excused — Arberry.
Assembly Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 126.
Bill read third time.
Remarks by Assemblymen Chowning, Ernaut, Freeman and Bache.
Roll call on Assembly Bill No. 126:
YEAS — 41.
NAYS — None.
Excused — Arberry.
Assembly Bill No.126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 176.
Bill read third time.
Remarks by Assemblymen Cegavske and Collins.
Roll call on Assembly Bill No. 176:
YEAS — 41.
NAYS — None.
Excused — Arberry.
Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 219.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Assembly Bill No. 219:
YEAS — 41.
NAYS — None.
Excused — Arberry.
Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 422.
Bill read third time.
Remarks by Assemblywoman Berman.

Roll call on Assembly Bill No. 422:

YEAS—41.

NAYS—None.

Excused—Arberry.

Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 427:

YEAS—37.

NAYS—Buckley, Nolan, Perkins, Price—4.

Excused—Arberry.

Assembly Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 155.

Bill read third time.

Remarks by Assemblymen Close, Herrera and Freeman.

Roll call on Assembly Bill No. 155:

YEAS—41.

NAYS—None.

Excused—Arberry.

Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 46, 92, 96, 215 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Evans moved that Assembly Bill No. 47 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 122; Senate Bills Nos. 77, 81, 87, 95.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Rothchild, Kathi Wexler, Joel Anderson, Chris Benedict, Travis Clark, Quentin Dankworth, Matt Digangi, Jose Galvan, Tony Gonzalez, Matthew Ingbar, Tanner Koch, Jack Martinez, Justin Ryan, Tony Sainz, Donovan Sanchez, Ryan Zaro, Mario Avila, Corey Bohner, Kasey Cano, Jennifer Davis, Larisa Ediss, Amanda Gohn, Megan Hanke, Jessica Henry, Sara Hood, Reanin Jacobsen, Emma Jaquette, Sara McCarty, Emily Miles, Allison Otto, Christina Saucedo, Hilary Schlager, Betty Gardner, Kyle Berger, Jonathan Cockerill, Wheeler Cowperthwaite, Lucas Evans, Jesse Fritz, Noah Gehr, Stephen Maples, Sean Perry, Andrew Pitts, Zach Taylor, Nicolas Telea, Evan Thayer, Tyler Willard, Asa Wilson, Mattew Willett, Mandy Barnes, Deborah Berger, Karissa Block, Briana Dodge, Shannon Eng, Ellen Eng, Abigail Johnson, Deborah Gehr, Mike Raponi, Becky Quigley, Debbie Mariskarish, Ricky Bilyeu, Zach Blade, Efren Castillo, Jason Dittenher, Chandler Gattis, Royal Good, Travis Hall, Jared Kane, Joshua Lane, Ruben Monrray, Branden Moyle, Jan Nunnemaker, Kyle Williams, Scott Witter, Chris Wood, Amanda Batesel, Dusty Brower, Chelsey Cayer, Jessie Clemmensen, Kendra Jones, Kathy Chandler-Hall, Ann Nunnemaker, Chris Witter, Mike Wood, Karyn Clemmensen, Sally Bilyeu, Heather Jump, Lanie Nalayo, Corrinne Potter, Ashley Scott, Hope Short, Lundsey Sullivan, Elizabeth Terminel, Samantha Valerms, Sara Walker, Tashena Yazzie, Barbara Culbert, Darlene McClurg, Nikki Cazier, Laurie Nellis, Judy Foster, Coleen Brogan, Marty Burnham, Josh Carver, Amanda Cook, Kristen Dhu, Bryan Dover, Natasha Enloe, Rachel Kinney, Matt Kline, Anthony Lopez, Argenis Mendez, Josh Mynear, Melody Rath, Jennifer Riesen, Justin Talley, Lisa Vaccaro, Rhiannon White, Scott Wilson, A. J. Weber, Kaula Olson, Kathy Olson, David Patterson, Cheryl Dahlinger, Mark Riesen, Gary Crocker, Howard Colett, Lisa Smith, Debbie Cook, Steve Brush, Kim Scharfenbery, Garilyn Bryant, Debra Sliger, Deanna Bjork, Roseann Jorgensen, Joseph Settle, Gene Sitts, Helen Stanfield, Lauren Vaccaro, Barry Ward, Vanessa Williams, Krista Wisbar, Patricia Badger, Sarah Beck, Glenn Clack, Robert Kennison, Nicholas Colleli, Casey Cribbins, Christine Dahlinger, Joshua Dodds, Skyler Harris, James Jacobs, Richard Crossley, Shanelle Jennings, Mitch Liljenquist, Edward Martinez, Sierra McKew, Jose Munoz, Natalie Noll, Ardin Patterson, Jeremy Soga, Michael Swerdling, Melinda Tucker, Hector Zambrano, Megan Pierce, Job Rodriguez, Logan Ahl, Colton Alphin, Monique Bourcier, Joel Bracamontes, Kevin Brush, Jamie Cook, Audrey Doland, Cameron Grischott, Ryan Haffey, Dustin Higgins, Brandon Mackie, Courtney McGehee, Kelly McGuire, Victor Melgarejo, Dallas Miller, Madisyn Morrison, Taleah Reymus, Kristin Scharfenberg, Jennifer Smith, Todd Stroup, Aaron Virgo, Myndi Werner, Jessica Negrete, Kriston Bentley,

Cole Bjork, Devan Bottoms, Ashley Bryant, Natalie Emerson, Edgar Escobedo, Timothy Forgette, Daniel Hague, Austin Hanson, Kyle Johnson, Megan LaPorte, Deelynn Leigh, Derwin Leigh, Ezequiel Montez, Adriana Negrete, Juan Ramirez, Whitney Richmond, Sondra Sandy, Suzanna Scholes, Samuel Sliger, Carole Thiesing, Vincent Villalobos, Casey Arnett, Robyn Babb, Leakana Chhay, Howard Fraser, Bianca Garcia, Andrew Gross, Megan Haffey, Sean Hull, Christina Masden, Aysia Roberts, Jeffrey Sandell, Ashley Bryant, Carly Elkins, Jeffrey Sandell and Jason Sehring.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Annalyn Settelmeyer and Heather Stodieck.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly McGowan and Jeannine Wood.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Clark.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Sanchez, Jenny Ayala, Hilde Banvelos, Ania Castro, Estephany Carrillo, Lucia Escobedo, Fidelina Funes, Laura Funes, Maria Hernandez, Perla Hernandez, Juan Carlos Herrera, Jose Lara, Lourdes Leon, Mayra Lobato, Juan Orozco, Brenda Ortiz, Miguel Peregrina, Sergio Rios, Emma Rodriguez, Eliciel Santoyo, Sonia Solis, Rosa Vazquez, Angelica Vidrio, Virginia Sanchez, Maria Pulido and Nora Wilson.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Tammy Westergard and Brooks Westergard.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Hill, Chris Hill, Harry Loomer, Liz Blythe, Jo Nabong, Fran Weimer, Vic Johnson, Mary Johnson, Sally Devlin, George Fenton, Violet Simmons, Daniel Simmons, Reginald Knight, Michael DeLee, Charlie Gronda, Rosemary Cadwell, Claudia Nielson and Barbara Apadoca.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Chester Chin.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Richards and Nadine Richards.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Henry Dreyer.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 26, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-SEVENTH DAY

CARSON CITY (Monday), May 26, 1997

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Lt. John Van Cleef.

Lord God, as we gather this Memorial Day we are mindful of the freedom You have given us, and of those men and women who have given their lives to defend that freedom. Grant those here gathered discernment as they govern our freedom. May this great state honor the memory of those fallen by preserving the ideas our forefathers fought to protect. In Jesus' Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 409, 436, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 306, 344, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 207, 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 193, 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 110, 249, 284, 297, 408.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 58, 351, 364, 369, 370.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 13, 155, 248, 316.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Braunlin, Chowning, Parks, Sandoval, Lambert, Amodei, Mortenson, Von Tobel, Neighbors, Carpenter, Nolan, Bache, Koivisto, Gustavson, Collins, Lee and Anderson:

Assembly Bill No. 529—An Act relating to motor vehicles; providing for the issuance of special license plates that encourage the donation of human organs; and providing other matters properly relating thereto.

Assemblywoman Braunlin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 530—An Act relating to the judicial system; requiring the court administrator to report upon and make recommendations to the supreme court regarding administrative procedures employed in the courts; providing that judges and personnel of the courts must follow recommendations regarding such procedures made by the court administrator and approved by the supreme court; requiring the judges, clerks and employees of certain courts to provide records, papers and information requested by the court administrator within a certain period; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Sandoval:

Assembly Bill No. 531—An Act relating to geology; defining "professional geologist" and "science of geology"; requiring that certain geological reports be approved by a professional geologist; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 532—An Act making an appropriation to the Enterprise Community Federal Credit Union for the economic development of Enterprise; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 533—An Act relating to prisons; permitting the director of the department of prisons to authorize the transfer of funds from the offenders' store fund in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 534—An Act relating to manufactured housing; clarifying provisions governing the connection and activation of electrical systems in manufactured homes, mobile homes and commercial coaches; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 13.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 58.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 155.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 248.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 316.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 351.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 364.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 369.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 370.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that for the balance of the session, the reading of the history on Assembly Bills on the General File be dispensed with.

Remarks by Assemblyman Perkins.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 223:

YEAS — 41.

NAYS — Von Tobel.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 226:

YEAS — 42.

NAYS — None.

Assembly Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 229.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 229:

YEAS — 42.

NAYS — None.

Assembly Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 266.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 266:

YEAS — 42.

NAYS — None.

Assembly Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 424.

Amend sec. 6, page 5, line 16, by deleting: "*years the board shall:*" and inserting: "*years, the board shall, when appropriate:*".

Amend sec. 6, page 5, by deleting lines 20 and 21 and inserting:

"*(c) Prohibit the parolee from being on or near the grounds of any place that is primarily designed for use by or for children, including, without limitation, a public or private school, a center or facility that provides day care services, a video arcade and an amusement park.*".

Amend the title of the bill, third line, after "commissioners" by inserting: ", when appropriate,".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 280 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Ways and Means.

Assembly Bill No. 348.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 348:

YEAS — 42.

NAYS — None.

Assembly Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Motion carried.

Assembly in recess at 11:35 a.m.

ASSEMBLY IN SESSION

At 11:36 a.m.

Madam Speaker pro Tempore presiding.

All present except Assemblyman Dini, who was excused.

GENERAL FILE AND THIRD READING

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 386:

YEAS — 41.

NAYS — None.

Excused — Dini.

Assembly Bill No. 386 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Segerblom and Chowning.

Roll call on Assembly Bill No. 443:

YEAS — 41.

NAYS — None.

Excused — Dini.

Assembly Bill No. 443 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 46, 92, 96, 215 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 43.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 43.

Assemblyman Amodei moved the adoption of the resolution.

Remarks by Assemblyman Amodei.

Assemblyman Williams requested that Assemblyman Amodei's remarks be entered in the Journal.

I first came to know "Big James," as we called him in the neighborhood, as a result of my friendship with his youngest son, Kevin. Their house was located a couple of blocks away from my parents' house. From growing up in the same neighborhood and hanging out with his youngest son—who he was gracious enough to loan his Blazer to for us to drive to high school in style—let it be said that he was a super spouse, a heck of a father and a super neat friend.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 372.

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

"Sec. 2. On the effective date of this act, the Chief Clerk of the Assembly shall prepare and transmit a copy of this act to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the National Osteoporosis Foundation.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 428.

Bill read second time and ordered to third reading.

Assembly Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 430.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: "as a taxicab if it has been in operation as a taxicab for more than 4 model years or 52 months, whichever period is longer.".

Amend the title, first and second lines by deleting: "revising the maximum period that a vehicle may be used as a taxicab;".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 9.

Resolution read second time and ordered to third reading.

Senate Bill No. 83.

Bill read second time and ordered to third reading.

Senate Bill No. 85.

Bill read second time and ordered to third reading.

Senate Bill No. 149.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time and ordered to third reading.

Senate Bill No. 238.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Maudie Long, Harold Long, Bartley Long, Kevin Long, Holly Long, Chris Rodgers and Doreen Fitzhenry.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Luke Papez, Kristin Hicks, Maria Hasler, Caroline Hilton and Mark Shellinger.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Young, Matt Austin and Nancy Goldwater.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Alotta, Michael Digangi, David Meehan, David Stake, Jeremy Blanchard, Eileen McGoldrick, Charles Cannady and Wayne Baker.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, May 27, 1997 at 11 a.m., and that it do so in memory of all the Nevadans who we wish to remember and honor.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-EIGHTH DAY

CARSON CITY (Tuesday), May 27, 1997

Assembly called to order at 11:19 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Lt. John Van Cleef.

Lord God, as we gather this day we are aware that You are omniscient, and we are not; that You are infinite, and we are finite. In Jesus' Name grant those who govern this great state with discernment from Your unlimited wisdom; and insight from Your limitless perspective.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bill No. 227; Senate Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 113, 131, 304.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 535—An Act relating to taxation; providing a credit against the sales tax paid by a retailer on the uncollected portion of the sales price of a sale under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 536—An Act relating to taxation; providing an exemption from certain sales and use taxes and from the ad valorem tax on personal property for certain publicly displayed works of art; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 537—An Act relating to agricultural extension programs; revising provisions governing such programs; authorizing counties, as an alternative to such programs, to enter into cooperative agreements with certain organizations to provide continued education and training in agriculture, home economics and rural welfare; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 538—An Act relating to dog racing; making it a crime to conduct dog racing in this state; prohibiting the Nevada gaming commission from issuing a license to conduct dog racing or pari-mutuel wagering in connection with any dog race; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 539—An Act relating to the housing division of the department of business and industry; expanding the authority of the division to create or participate in nonprofit corporations; revising the provisions governing the issuance of letters of credit by the division for certain housing projects; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 540—An Act relating to counties; providing in skeleton form for the change of the name of Clark County to Las Vegas County; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Manendo, Buckley, Ohrenschall, Close, Koivisto, Price, Nolan, Segerblom, Collins, Herrera, Krenzer, Chowning, Bache, Williams, Perkins, Mortenson and Giunchigliani:

Assembly Bill No. 541—An Act relating to mobile homes; authorizing the imposition of an administrative fine against landlords, managers and assistant managers of mobile home parks who harass tenants; prohibiting a landlord of a mobile home park from purchasing a mobile home within the park; requiring a landlord of a mobile home park to maintain all trees within the park; requiring a manager or assistant manager in certain mobile home parks to reside in the park; revising provisions governing the adoption and amendment of rules and regulations for a mobile home park; prohibiting the

accrual of fees for the late payment of rent to a mobile home park under certain circumstances; requiring the manufactured housing division of the department of business and industry to adopt regulations concerning initial and continuing education requirements for sellers, dealers and installers of mobile homes; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblywoman Cegavske:

Assembly Bill No. 542—An Act relating to identification cards for persons without Nevada drivers' licenses; authorizing the department of motor vehicles and public safety to issue identification cards to persons who are seasonal residents of this state; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Senate Bill No. 192 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 215 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 287.

Amend the bill as a whole by deleting sections 1 through 10, renumbering sec. 11 as sec. 6 and adding new sections designated sections 1 through 5, following the enacting clause to read as follows:

"Section 1. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. [Any] *Except as otherwise provided in NRS 689A.0405, 689B.0374, 695B.1912 and 695C.1735, any* contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides

for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care under this section for approval by the commissioner; and

(b) Respond to any request for approval by the insured or member under this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 2. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40; and

(c) An annual mammogram for women 40 years of age or older.

2. *A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.*

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 1989, has the legal effect of including the coverage required by [this section,] *subsection 1,* and any provision of the policy or the renewal which is in conflict with [this section] *subsection 1* is void.

Sec. 3. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40; and

(c) An annual mammogram for women 40 years of age or older.

2. *A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.*

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 1989, has the legal effect of including the coverage required by [this section,] *subsection 1,* and any provision of the policy or the renewal which is in conflict with [this section] *subsection 1* is void.

Sec. 4. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. A policy of health insurance issued by a hospital or medical service corporation must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40; and

(c) An annual mammogram for women 40 years of age or older.

2. *A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.*

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 1989, has the legal effect of including the coverage required by [this section,] *subsection 1,* and any provision of the policy or the renewal which is in conflict with [this section] *subsection 1* is void.

Sec. 5. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health maintenance plan must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40; and

(c) An annual mammogram for women 40 years of age or older.

2. *A health maintenance plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.*

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 1989, has the legal effect of including the coverage required by [this section,] *subsection 1,* and any provision of the policy or the renewal which is in conflict with [this section] *subsection 1* is void.".

Amend the title of the bill to read as follows: "An Act relating to health care; prohibiting any insurer that is required to provide coverage for an annual cytologic screening test and mammogram for certain women from requiring an insured to obtain prior authorization for such services; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Prohibits certain insurers from requiring insured to obtain prior authorization for certain covered health care services. (BDR 57-999)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 404.

Amend section 1, page 2, line 4, after "official" by inserting "*or representative*".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 306.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 371.

Amend the bill as a whole by deleting sections 1 through 456 and the leadlines of repealed sections and adding new sections designated sections 1 through 23, following the enacting clause, to read as follows:

"Section 1. Chapter 133 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *A signature affixed to a self-proving affidavit attached to a will is considered a signature affixed to the will if necessary to prove the execution of the will.*

Sec. 3. *A specific devise passes subject to any mortgage existing on the date of death, without right of exoneration, regardless of a general directive in the will to pay debts.*

Sec. 4. Chapter 144 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The executor or administrator may engage a certified public accountant or other expert in valuation to ascertain the fair market value, as of the date of the death of the decedent, of the interest of the decedent in a corporation, partnership, limited-liability company or other association.

2. Any such certified public accountant or expert in valuation is entitled to a reasonable compensation for his services and may be paid the compensation by the executor or administrator out of the estate at any time after completion of the report of the valuation.

Sec. 5. NRS 144.030 is hereby amended to read as follows:

144.030 1. Before proceeding to the execution of his duty, each appraiser *, certified public accountant or expert in valuation* shall [take and subscribe an oath, before any person authorized to administer oaths,] *certify* that he will truly, honestly and impartially appraise *or value* the property [which is exhibited to him or called to his attention] according to the best of his knowledge and ability. The [oath must be attached to the inventory.] *certification must be contained in the appraisal or valuation or filed with the court.*

2. He shall then proceed to appraise the property of the estate. Each [article or parcel] *item with an assessed value of more than $100* must be set down separately with the value thereof in dollars and cents in figures opposite to each [article or parcel, respectively.] *item.*

3. Any appraiser *, certified public accountant or expert in valuation* who directly or indirectly purchases any property of an estate which he has appraised [,] *or valued,* without full disclosure to and approval by the court, is guilty of a misdemeanor. A sale made in violation of the provisions of this subsection is void.

Sec. 6. NRS 144.070 is hereby amended to read as follows:

144.070 The [inventory must be signed by the appraiser or appraisers, and the] executor or administrator shall take and subscribe an oath, before any person authorized to administer oaths, that the inventory contains a true statement of all the estate of the deceased which has come to his possession or of which he has knowledge, and particularly of all money belonging to the deceased, and of all just claims of the deceased against the executor or administrator. The oath must be endorsed upon or annexed to the inventory.

Sec. 7. NRS 145.020 is hereby amended to read as follows:

145.020 All proceedings taken under this chapter, whether or not the decedent left a will, [shall] *must* be originated by a *verified* petition for letters testamentary or letters of administration containing:

1. *Jurisdictional information;*

2. A [specific] description of [all of the decedent's property.

2.] *the property of the decedent, including, without limitation, the character and estimated value of the property; and*

3. A list of [all the liens and encumbrances of record at the date of his death.

3. An estimate of the value of the property.] *each heir, next of kin, legatee and devisee of the decedent. This list must include, without limitation, the name, age, address and relationship to the decedent of any such person.*

Sec. 8. NRS 145.040 is hereby amended to read as follows:

145.040 When it is made to appear to the court [, by affidavit or otherwise,] that the gross value of the estate does not exceed [$100,000,] *$200,000,* the court may, if deemed advisable considering the nature and character of the estate and the obligations thereof, make an order for a summary administration of the estate.

Sec. 9. NRS 146.070 is hereby amended to read as follows:

146.070 1. When a person dies leaving an estate, the gross value of which after deducting any encumbrances does not exceed [$25,000,] *$50,000,* and there is a surviving spouse or minor child or minor children of the deceased, the estate must not be administered upon, but the whole thereof, after directing such payments as may be deemed just, must be, by an order for that purpose, assigned and set apart for the support of the surviving

spouse or minor children, or for the support of the minor child or minor children, if there is no surviving spouse. Even though there is a surviving spouse, the court may, after directing such payments, set aside the whole of the estate to the minor child or minor children, if it is in their best interests.

2. When there is no surviving spouse or minor child of the deceased and the gross value of a decedent's estate, after deducting any encumbrances, does not exceed [$25,000,] *$50,000,* upon good cause shown therefor, the judge may order that the estate must not be administered upon but the whole thereof must be assigned and set apart:

First: To the payment of funeral expenses, expenses of last illness, money owed to the department of human resources as a result of payment of benefits for assistance to the medically indigent, and creditors, if there are any; and

Second: Any balance remaining to the claimant or claimants entitled thereto [.] *pursuant to the will of the decedent, and if no will, pursuant to intestate succession.*

3. All proceedings taken under this section, whether or not the decedent left a will, must *not begin until at least 30 days after the death of the decedent and must* be originated by a verified petition containing:

(a) A specific description of all of the decedent's property.

(b) A list of all the liens and encumbrances of record at the date of his death.

(c) An estimate of the value of the property.

(d) A statement of the debts of the decedent so far as known to the petitioner.

(e) The names, ages and residences of the decedent's heirs, devisees and legatees.

The petition may include a prayer that if the court finds the gross value of the estate, less encumbrances, does not exceed [$25,000,] *$50,000,* the estate be set aside as provided in this section.

4. The petitioner shall give notice of the petition and hearing in the manner provided in NRS 155.010 to the decedent's heirs, devisees and legatees and to the *state* welfare [division of the department of human resources. The] *administrator. If a complete copy of the petition is not enclosed with the notice, the* notice must include a statement [that a prayer for setting aside the estate to the spouse, or minor child or minor children, as the case may be, is included in the petition.] *setting forth to whom the estate is being set aside.*

5. No court or clerk's fees may be charged for the filing of any petition in, or order of court thereon, or for any certified copy of the petition or order in an estate not exceeding $2,500 in value.

6. If the court finds that the gross value of the estate, less encumbrances, does not exceed the sum of [$25,000,] *$50,000,* the court may direct that the

estate be distributed to the father or mother of any minor heir or legatee, with or without the filing of any bond, or may require that a general guardian be appointed and that the estate be distributed to the guardian, with or without bond as in the discretion of the court seems to be in the best interests of the minor. The court may direct the manner in which the money may be used for the benefit of the minor.

Sec. 10. NRS 146.080 is hereby amended to read as follows:

146.080 1. When a decedent leaves no real property, nor interest therein nor lien thereon, in this state, and the gross value of the decedent's property in this state, over and above any amounts due to the decedent for services in the Armed Forces of the United States, does not exceed [$10,000, the surviving spouse, the children, lawful issue of deceased children, the parent, the brother or sister of the decedent, or the guardian of the estate of any minor or insane or incompetent person bearing that relationship to the decedent, if that] *$20,000, a* person *who* has a right to succeed to the property of the decedent [or] *, a person who* is the sole beneficiary under the last will and testament of the decedent [,] or the *state* welfare [division of the department of human resources,] *administrator* may, 40 days after the death of the decedent, without procuring letters of administration or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to him upon furnishing the person, representative, corporation, officer or body owing the money, having custody of the property or acting as registrar or transfer agent of the evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive the money or property or to have the evidences transferred.

2. An affidavit made pursuant to this section must state:

(a) The affiant's name and address, and that the affiant is entitled by law to succeed to the property claimed;

(b) That the decedent was a resident of Nevada at the time of his death;

(c) That the gross value of the decedent's property in this state, except amounts due to the decedent for services in the Armed Forces of the United States, does not exceed [$10,000,] *$20,000,* and that the property does not include any real property nor interest therein nor lien thereon;

(d) That at least 40 days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent, including funeral and burial expenses and money owed to the department of human resources as a result of the payment of benefits for assistance to the medically indigent, have been paid or provided for;

(g) A description of the personal property and the portion claimed;

(h) That the affiant has given written notice, by personal service or by [certified] mail, identifying his claim and describing the property claimed, to every person whose right to succeed to the decedent's property is equal or superior to that of the affiant, and that at least [10] *14* days have elapsed since the notice was served or mailed; and

(i) That the affiant is personally entitled, or the department of human resources is entitled, to full payment or delivery of the property claimed or is entitled to payment or delivery on behalf of and with the written authority of all other successors who have an interest in the property.

3. If the affiant:

(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property he receives is subject to all debts of the decedent.

(b) Fails to give notice to other successors as required by subsection 2, any money or property he receives is held by him in trust for all other successors who have an interest in the property.

4. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon such information, and if he relies in good faith, he is immune from civil liability for actions based on that reliance.

5. Upon receiving proof of the death of the decedent and an affidavit containing the information required by this section:

(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.

(b) A governmental agency required to issue certificates of ownership or registration to personal property shall issue a new certificate of ownership or registration to the person claiming to succeed to ownership of the property.

6. If any property of the estate not exceeding [$10,000] *$20,000* is located in a state which requires an order of a court for the transfer of the property, or if it consists of stocks or bonds which must be transferred by an agent outside this state, any person qualified under the provisions of subsection 1 to have the stocks or bonds or other property transferred to him may do so by obtaining a court order directing the transfer. The person desiring the transfer must file a verified petition in a court of competent jurisdiction containing:

(a) A specific description of all of the property of the decedent.

(b) A list of all the liens and encumbrances of record at the date of the decedent's death.

(c) An estimate of the value of the property of the decedent.

(d) The names, ages and residences of the decedent's heirs and legatees.

(e) A prayer requesting the court to issue an order directing the transfer of the stocks or bonds or other property if the court finds the gross value of the estate does not exceed [$10,000.] *$20,000.*

If the court finds that the gross value of the estate does not exceed [$10,000] *$20,000* and the person requesting the transfer is entitled to it, the court may issue an order directing the transfer.

Sec. 11. Chapter 147 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On petition of any person who appears to have an interest in the estate, the court by temporary order may restrain a personal representative from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of his office, or make any other order to secure proper performance of his duty, if it appears to the court that the personal representative otherwise may take some action that would jeopardize unreasonably the interest of the petitioner or of some other interested person. A person with whom the personal representative may transact business may be made a party.

2. The matter must be set for hearing within 10 days unless the parties otherwise agree. Notice as the court directs must be given to the personal representative and his attorney of record, if any, and to any other party named defendant in the petition.

3. As used in this section:

(a) "Person" includes, without limitation, a government, governmental agency or political subdivision of a government.

(b) "Personal representative" includes, without limitation, an executor, an administrator, a successor personal representative, a special administrator and persons who perform substantially the same function under the law governing their status.

Sec. 12. NRS 147.090 is hereby amended to read as follows:

147.090 *1.* No *statute of limitations running on a cause of action belonging to a decedent which had not been barred as of the date of his death bars a cause of action surviving the death of the decedent sooner than 4 months after the death. A cause of action which, but for this section, would have been barred less than 4 months after death, is barred after 4 months, unless tolled.*

2. A claim which is barred by the statute of limitations [shall] *must not* be allowed or approved by the executor or administrator, or by the judge. When a claim is presented to a judge for his allowance or approval, he may, in his discretion, examine the claimant and others on oath and hear any legal evidence touching the validity of the claim. No claim, which has been allowed, is affected by the statute of limitations, pending the administration of the estate.

Sec. 13. NRS 148.200 is hereby amended to read as follows:

148.200 [1.] Personal property may be sold for cash, or upon a credit.

[2. If a sale is made upon a credit, not less than 25 percent of the purchase price shall be paid in cash at the time of sale. The executor or administrator shall take the note of the purchaser for the balance of the purchase money, with a pledge or chattel mortgage of the personal property sold, to secure the payment of the balance, or shall enter into a conditional sale contract under which title is retained until such balance is paid, the terms of the note and pledge or chattel mortgage or contract to be approved by the court at the time of confirmation of sale.]

Sec. 14. NRS 150.230 is hereby amended to read as follows:

150.230 1. The executor or administrator shall, as soon as he has sufficient funds in his hands, upon receipt of a sworn statement of the amount due and without any formal action upon creditors' claims, pay the funeral expenses, the expenses of the last sickness, the allowance made to the family of the deceased, money owed to the department of human resources as a result of payment of benefits for assistance to the medically indigent and wage claims to the extent of $600 of each employee of the decedent for work done or personal services rendered within 3 months before the death of the employer , [;] but he may retain in his hands the necessary expenses of administration.

2. He is not obliged to pay any other debt or any legacy until the payment is ordered by the court.

3. He may, before court approval or order, pay any of the decedent's debts amounting to [$100] *$500* or less if:

(a) Claims for payment thereof are properly filed in the proceedings;

(b) The debts are justly due; and

(c) The estate is solvent.

In settling the account of the estate, the court shall allow any such payment if the conditions of paragraphs (a), (b) and (c) have been met . [; otherwise,] *Otherwise,* the executor or administrator is personally liable to any person sustaining loss or damage as a result of such payment.

4. Funeral expenses and expenses of a last sickness are debts payable out of the estate of the deceased spouse and must not be charged to the community share of a surviving spouse, whether or not the surviving spouse is financially able to pay such expenses and whether or not the surviving spouse or any other person is also liable therefor.

Sec. 15. Chapter 151 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the rights of creditors and taxing authorities, competent successors may agree among themselves to alter the interests, shares or amounts to which they are entitled under the terms of the will of the decedent, or under the laws of intestacy, in any way that they provide in a written contract executed by all who are affected by its provisions. The

personal representative shall abide by the terms of the contract subject to his obligation to administer the estate for the benefit of creditors, to pay all taxes and costs of administration, and to carry out the responsibilities of his office for the benefit of any successors of the decedent who are not parties. Personal representatives of the estate of decedents are not required to see to the performance of trusts if the trustee thereof is another person who is willing to accept the trust. Accordingly, trustees of a testamentary trust are successors for the purposes of this section. This section does not relieve trustees of any duties owed to beneficiaries of trusts.

2. As used in this section:

(a) "Personal representative" includes, without limitation, an executor, an administrator, a successor personal representative, a special administrator and persons who perform substantially the same function under the law governing their status.

(b) "Successors" means persons, other than creditors, who are entitled to property of a decedent under the terms of his will or pursuant to this Title.

Sec. 16. NRS 151.090 is hereby amended to read as follows:

151.090 1. When a petition for final distribution is filed, the petitioner shall give notice of the hearing of the petition [by mail] to all persons individually entitled to notice as provided in NRS 155.010.

2. The court may order such further notice as it may deem proper.

Sec. 17. Chapter 153 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, or in the will or trust, a trustee or executor may distribute property and money:

(a) In divided or undivided interests; and

(b) On a pro rata or nonpro rata basis.

2. Each beneficiary must agree before any property or money is distributed on a pro rata basis.

Sec. 18. NRS 153.040 is hereby amended to read as follows:

153.040 1. The trustee or other fiduciary may petition the court, from time to time, for instructions as to the administration of the trust.

2. Upon the filing thereof, together with a verified statement of the trustee giving the names and post office addresses, if known, of the beneficiaries and any other persons interested in the granting of the petition, the clerk shall set the hearing by the court, and shall give notice thereof for the period and in the manner required by NRS 155.010.

3. The trustee shall cause notice of the hearing to be mailed to the beneficiaries [at their last known addresses,] and to all other persons interested in the granting of the petition, if any, as provided in NRS 155.010, whether they have requested special notice or given notice of appearance or not.

[4. If there be any beneficiaries or other persons interested in the granting of the petition whose post office addresses are unknown, the notice of the hearing on the petition shall be published in a daily newspaper on at least 2 different days before the hearing and at least 5 days must elapse between the last publication and the time set for hearing the petition.]

Sec. 19. NRS 155.010 is hereby amended to read as follows:

155.010 1. [Unless] *Except as* otherwise provided in a specific statute relating to the kind of notice required or otherwise ordered by the court in a particular instance, [every notice required by this Title shall be given by registered or certified mail, postage prepaid, at least 10 days prior to the date set for hearing or other action by the court. Each such notice shall be addressed to the intended recipient at his last known address, receipt for delivery requested.

2. Notice shall be given to each executor, administrator or trustee who is not a party to the filing and to any person who has requested notice as provided for in this chapter or who is otherwise entitled to individual notice pursuant to this Title.] *a petitioner shall cause notice of the time and place of the hearing of a petition to be given to any interested person or his attorney if he has appeared by attorney or requested that notice be sent to his attorney. Notice must be given:*

(a) By mailing a copy thereof at least 14 days before the time set for the hearing by certified, registered or ordinary first-class mail addressed to the person being notified at the post office address given in his demand for notice, if any, or at his office or place of residence, if known;

(b) By personally delivering a copy thereof to the person being notified at least 14 days before the time set for the hearing; or

(c) If the address or identity of the person is not known and cannot be ascertained with reasonable diligence, by publishing at least once a week for 3 consecutive weeks a copy thereof in a newspaper having general circulation in the county where the hearing is to be held, the last publication of which must be at least 10 days before the date set for the hearing.

2. The court, for good cause shown, may provide for a different method or time of giving notice for any hearing.

3. Proof of the giving of notice [shall] *must* be made [at] *on or before* the hearing [; and if it appears to the satisfaction of the court that the notice has been regularly given the court shall so find in its order, and the order, when it becomes final, is conclusive upon all persons.] *and filed in the proceeding.*

4. As used in this section, "interested person" includes, without limitation, an heir, devisee, child, spouse, creditor, beneficiary and any other person having a property right in or claim against a trust estate or the estate of a decedent. The term includes, without limitation, a person having priority for appointment as personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular

persons must be determined according to the particular purposes of, and matter involved in, a proceeding.

Sec. 20. NRS 155.020 is hereby amended to read as follows:

155.020 1. Notice of a petition for the probate of a will and the issuance of letters testamentary or for letters of administration and the notice to creditors must be given to:

(a) The persons respectively entitled thereto, including the *state welfare* administrator , [of the welfare division of the department of human resources, by mail] as provided in NRS 155.010; and

(b) The public, including creditors whose names and addresses are not readily ascertainable, by publication on three dates of publication before the hearing, and if the newspaper is published more than once each week there must be at least 10 days from the first to last dates of publication, including both the first and last days.

2. Every publication required by this section must be made in a newspaper printed in the county where the proceedings are pending, but if there is not such a newspaper, then in one having general circulation in that county.

3. The notice of the hearing upon the petition to administer the estate must be in substantially the following form:

NOTICE OF THE HEARING UPON THE PETITION TO ADMINISTER THE ESTATE

Notice is hereby given that ..... has filed in this court a petition for the probate of a will and for letters testamentary, or for letters of administration, of the estate of ....., deceased, and a hearing has been set for the ..... day of ....., 19....., at ..... (a.m. or p.m.) at the courthouse of the above-entitled court.

All persons interested in the estate are notified to appear and show cause why the petition should not be granted.

.....Dated

4. As soon as practicable after appointment, every executor or administrator shall, in addition to publishing the notice to creditors, mail a copy of the notice to those creditors whose names and addresses are readily ascertainable and who have not already filed a claim. The notice must be in substantially the following form:

NOTICE TO CREDITORS

Notice is hereby given that the undersigned has been appointed and qualified by the (giving the title of the court and the date of appointment) as executor or administrator (as the case may be) of the estate of ....., deceased. All creditors having claims against the estate are required to file the claims with the clerk of the

court within ..... (60 or 90) days after the mailing or the first publication (as the case may be) of this notice.

Dated .....

Sec. 21. NRS 159.085 is hereby amended to read as follows:

159.085 1. Within 60 days after the date of his appointment, or, if necessary, such further time as the court may allow, a guardian of the estate shall make and file in the guardianship proceeding a verified inventory of all the property of the ward which comes to his possession or knowledge.

2. Whenever any property of the ward not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, he shall make and file in the guardianship proceeding a verified supplemental inventory within 30 days after the property comes to his possession or knowledge or include the property in his next accounting. The court may order which of the two methods the guardian shall follow.

3. The court may order all or any part of the property of the ward appraised as provided in NRS 144.020, 144.030, 144.070 and 144.090 [.] *and section 4 of this act.*

Sec. 22. NRS 159.197 is hereby amended to read as follows:

159.197 1. After the winding up of the affairs of the guardianship, the guardian shall deliver physical possession of all of the ward's property to the ward, his executor or administrator or the successor guardian, as the case may be, and obtain a receipt therefor.

2. If the guardianship has terminated by reason of the death of the ward, the court, by order, may authorize the guardian to distribute the deceased ward's property in the same manner as authorized by NRS 146.070, if the gross value of the property, less encumbrances, remaining in the hands of the guardian does not exceed [$25,000,] *$50,000,* or as authorized by NRS 146.080, if the gross value of the property remaining in the hands of the guardian does not exceed [$10,000.] *$20,000.*

Sec. 23. NRS 164.030 is hereby amended to read as follows:

164.030 1. Any trustee whose appointment has been confirmed, as provided in NRS 164.010, at any time thereafter may petition the court for instructions in the administration of the trust or for a construction of the trust instrument, or upon or after the filing of a final account, for the settlement and allowance thereof.

2. Upon the filing of the petition the court shall make an order fixing a time and place for hearing thereof, unless hearing has been waived in writing by the beneficiaries of the trust.

3. Unless otherwise ordered by the court, notice of the hearing [shall] *must* be given as follows:

(a) The clerk shall [cause a copy of the order to be posted at the courthouse of the county where the proceedings are pending, at least 10 days before the day of the hearing; and] *set the petition for hearing;*

(b) *The petitioner must give notice stating the filing of the petition and the object and time of the hearing to all interested persons as provided in NRS 155.010; and*

(c) The trustee filing such petition shall cause a copy of the order to be delivered to the beneficiaries of the trust as follows:

(1) By handing the notice or copy to the beneficiary personally or to his guardian, or attorney of record; or

(2) By sending it by registered or certified mail with return receipt requested to such beneficiary, or his guardian or attorney of record, at the last known address of the addressee.

4. Upon the hearing the court shall make such order as it deems appropriate, which order [shall be] *is* final and conclusive as to all matters thereby determined and binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, except that appeal to the supreme court may be taken from the order within 30 days from the entry thereof by filing notice of appeal with the clerk of the district court, who shall mail a copy of the notice to each adverse party who has appeared of record.".

Amend the title of the bill to read as follows: "An Act relating to property; making various changes concerning wills; making various changes concerning an inventory and appraisement or record of value of the estate of a deceased; making various changes concerning the summary administration of estates; making various changes concerning small estates; making various changes concerning the presentation and payment of claims; authorizing competent successors to agree to alter the interests or amounts to which they are entitled in any manner; authorizing a trustee or executor to distribute property and money in divided or undivided interests and on a pro rata or nonpro rata basis; making various other changes concerning the kind of notice required in a matter concerning the will or estate of a deceased person; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning wills and estates of deceased persons. (BDR 12-1028)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 323.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 369.

Amend section 1, page 1, by deleting lines 3 through 15 and inserting:

"*1. Except as otherwise provided in this subsection, a* person shall not ride on any *part of a* vehicle [upon any portion thereof] *being operated on a paved highway if that part of the vehicle is* not designed or intended for the use of passengers. This provision does not apply to [an] *:*

(a) An employee engaged in the necessary discharge of a duty [, or to a person or persons] *;*

(b) A person riding within *the body of a* truck [bodies and] *or within an enclosed* space intended for merchandise [.] *; or*

(c) A person who is riding within the bed of a pickup truck, regardless of whether the bed is open or covered by a camper shell or slide-in camper.

The exceptions set forth in this subsection do not relieve a person who is operating a pickup truck of the duty to comply with the provisions of subsection 2.

2. Except as otherwise provided in this subsection, a person operating a pickup truck on a paved highway at a speed in excess of 20 miles per hour shall not allow a person who is less than 18 years of age to ride within the open bed of that pickup truck unless:

(a) The person who is less than 18 years of age is sitting in a seat that complies with the federal motor vehicle safety standards for seating systems adopted by the National Highway Traffic Safety Administration of the United States Department of Transportation;

(b) The person who is less than 18 years of age is wearing a safety belt; and

(c) The seat and safety belt are bolted or otherwise fastened securely to the frame, body or bed of the pickup truck.

This provision does not apply to a person who has entered upon the paved highway solely to traverse directly across to the other side of the highway.".

Amend section 1, page 2, line 2, after "*person*" by inserting: "*who violates subsection 1*".

Amend section 1, page 2, line 10, after "*Negligence*" by inserting "*or causation*".

Amend section 1, page 2, between lines 13 and 14, by inserting:

"*(b) "Open bed" means the bed of a pickup truck that is not enclosed by a camper shell or slide-in camper.*

(c) "Pickup truck" does not include a motor vehicle, the bed or cargo area of which is enclosed within the body of the vehicle.".

Amend section 1, page 2, line 14, by deleting "*(b)*" and inserting "*(d)*".

Amend the title of the bill to read as follows: "An Act relating to traffic laws; revising provisions prohibiting a person from riding on a part of a vehicle not designed or intended for the use of passengers; prohibiting the driver of a pickup truck from allowing a person who is less than 18 years of

age to ride within the open bed of that pickup truck unless secured with certain equipment; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Collins, Close, Anderson, Perkins, Carpenter and de Braga.

Assemblywoman de Braga moved that Assembly Bill No. 323 be taken from the Second Reading File and re-referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assembly Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 437.

Amend sec. 7, page 3, line 8, by deleting: "*may, on its own motion,*" and inserting "*may*".

Amend sec. 7, page 3, by deleting lines 11 and 12 and inserting: "*information described in paragraph (b) of subsection 1 shall be deemed to be a complaint upon motion of the commission.*".

Amend sec. 8, page 3, line 15, by deleting "*facts*" and inserting "*allegations*".

Amend sec. 8, page 3, line 18, by deleting "*facts,*" and inserting "*allegations,*".

Amend sec. 8, page 3, line 20, by deleting "*facts,*" and inserting "*allegations,*".

Amend sec. 9, page 3, line 23, by deleting "*facts*" and inserting "*allegations*".

Amend sec. 9, page 3, by deleting lines 26 and 27 and inserting: "*the allegations have merit.*".

Amend sec. 22, page 8, line 42, by deleting: "*substance of a*" and inserting: "*alleged conduct of a justice or judge underlying the*".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 409.

Bill read second time.

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

Amendment No. 440.

Amend section 1, page 2, by deleting lines 22 through 24 and inserting: "examiners may authorize its clerk to approve contracts which are [for] :

(a) For amounts less than [$2,000] *$5,000* or, in contracts necessary to preserve life and property, for amounts less than [$5,000.] *$25,000.*

(b) Entered into by the state gaming control board for the purposes of investigating an applicant for or holder of a gaming license.

The state board of ".

Amend sec. 2, page 4, by deleting lines 11 through 13 and inserting: "authorize its clerk to approve contracts which are:

(a) For amounts less than $5,000 or, in contracts necessary to preserve life and property, for amounts less than $25,000.

(b) Entered into by the state gaming control board for the purposes of investigating an applicant for or holder of a gaming license.

The state board of examiners shall".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 438.

Amend section 1, page 1, line 11, after "*employee*" by inserting: "*or former officer or employee*".

Amend section 1, page 1, line 12, after "*trained in*" by inserting "*forensic*".

Amend section 1, page 2, line 17, after "*2.*" by inserting: "*The court, on its own motion or that of a party, may exclude the testimony of a person who previously has undergone hypnosis to recall events which are the subject matter of the testimony if the court determines that such testimony is unreliable or is otherwise inadmissible.*

3.".

Amend section 1, page 2, line 20, by deleting "*3.*" and inserting "*4.*".

Amend section 1, page 2, line 26, by deleting "*4.*" and inserting "*5.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 436.

Bill read second time.

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

Amendment No. 441.

Amend sec. 8, page 2, line 25, by deleting "and".

Amend sec. 8, page 2, line 27, by deleting "committee." and inserting: "committee; and

(c) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, or his designated representative, who is an ex officio nonvoting member of the advisory committee.".

Amend sec. 15, page 5, line 16, by deleting "Engineer." and inserting: "Engineer and the Division of Environmental Protection of the State Department of Conservation and Natural Resources.".

Amend sec. 16, page 5, by deleting lines 17 and 18 and inserting:

"Sec. 16. Nothing in this act supersedes the authority granted to:

1. The State Engineer in chapters 532, 533 and 534 of NRS.

2. The State Environmental Commission and the Division of Environmental Protection of the State Department of Conservation and Natural Resources in chapters 444, 445A, 445B, 459, 486A, 519A and 590 of NRS.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 437.

Bill read second time.

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

Amendment No. 442.

Amend section 1, page 1, line 2, by deleting: "2 to 5, inclusive," and inserting: "2, 3 and 4".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 15 as sections 3 through 14.

Amend sec. 14, page 5, line 21, by deleting "13" and inserting "12".

Amend sec. 15, page 5, by deleting lines 23 through 26 and inserting:

"Sec. 14. 1. This section and sections 3, 12 and 13 of this act become effective on July 1, 1997.

2. Sections 1 and 4 to 11, inclusive, of this act become effective on October 1, 1997.".

Amend the title of the bill by deleting the third line and inserting: "repealing the revolving account for".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 437 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Senate Bill No. 207.

Bill read second time and ordered to third reading.

Senate Bill No. 237.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 215.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Arberry, Price, de Braga and Evans.

Roll call on Senate Bill No. 215:

YEAS — 42.

NAYS — None.

Senate Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 54:

YEAS — 42.

NAYS — None.

Assembly Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Hettrick moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:16 p.m.

ASSEMBLY IN SESSION

At 12:34 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 240.
Bill read third time.
Remarks by Assemblymen Humke, Freeman, Ohrenschall, Goldwater and Anderson.
Roll call on Assembly Bill No. 240:
YEAS — 42.
NAYS — None.
Assembly Bill No. 240 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 263.
Bill read third time.
Remarks by Assemblywoman Evans.
Roll call on Assembly Bill No. 263:
YEAS — 42.
NAYS — None.
Assembly Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 322.
Bill read third time.
Remarks by Assemblywoman de Braga.
Assemblywoman Buckley moved that Assembly Bill No. 322 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblywoman Buckley.
Motion carried.

Assembly Bill No. 374.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 408.
Amend section 1, page 2, line 16, by deleting "*previously constructed*" and inserting: "*constructed on or after July 1, 1999*".

Amend sec. 3, page 3, line 20, by deleting "*previously constructed*" and inserting: "*constructed on or after July 1, 1998*".

Amend sec. 6, page 4, by deleting lines 3 through 5 and inserting:

"Sec. 6. This act becomes effective on July 1, 1997.".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblymen Gustavson, Sandoval and Humke.

Conflict of interest declared by Assemblyman Sandoval.

Potential conflict of interest declared by Assemblyman Humke.

Roll call on Assembly Bill No. 421:

YEAS — 41.

NAYS — None.

Not voting — Sandoval.

Assembly Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 428.

Bill read third time.

Remarks by Assemblymen Price, Giunchigliani, Carpenter and Bache.

Assemblyman Bache moved that Assembly Bill No. 428 be re-referred to the Committee on Ways and Means.

Remarks by Assemblymen Bache and Price.

Motion carried.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblymen Giunchigliani, Goldwater, Lambert, Tiffany, Collins, Bache, Carpenter and Price.

Roll call on Assembly Joint Resolution No. 9:

YEAS—24.

NAYS—Amodei, Berman, Braunlin, Carpenter, Cegavske, Close, Dini, Ernaut, Goldwater, Gustavson, Hettrick, Hickey, Humke, Lambert, Marvel, Sandoval, Tiffany, Von Tobel—18.

Assembly Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblymen Parks, Freeman and Cegavske.

Roll call on Senate Bill No. 46:

YEAS — 42.

NAYS — None.

Senate Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 83.

Bill read third time.

Remarks by Assemblymen Lambert, Segerblom, Collins, Price, Chowning and Bache.

Roll call on Senate Bill No. 83:

YEAS — 35.

NAYS — Collins, Gustavson, Manendo, Ohrenschall, Price, Sandoval, Segerblom — 7.

Senate Bill No. 83 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 85.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Senate Bill No. 85:

YEAS — 42.

NAYS — None.

Senate Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 92.

Bill read third time.

Remarks by Assemblymen Herrera, Parks, Price and Chowning.

Potential conflicts of interest declared by Assemblymen Parks, Price and Chowning.

Roll call on Senate Bill No. 92:

YEAS — 42.

NAYS — None.

Senate Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 96.
Bill read third time.
Remarks by Assemblyman Perkins.
Roll call on Senate Bill No. 96:
YEAS — 42.
NAYS — None.
Senate Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 149.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 149:
YEAS — 42.
NAYS — None.
Senate Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 193.
Bill read third time.
Remarks by Assemblyman Perkins.
Roll call on Senate Bill No. 193:
YEAS — 42.
NAYS — None.
Senate Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 238.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Senate Bill No. 238:
YEAS — 42.
NAYS — None.
Senate Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 258.

The following Senate amendment was read:

Amendment No. 345.

Amend sec. 10, page 4, line 39, by deleting "for a" and inserting: "and proof of compliance with all of the requirements established by the board for continuing education for the".

Amend sec. 10, page 4, line 41, by deleting "fee," and inserting: "fee and proof satisfactory to the board of compliance with all of the requirements established by the board for continuing education,".

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

"Sec. 18. Section 1 of Assembly Bill No. 105 of this session is hereby amended to read as follows:

Section 1. The board may, by regulation, require each architect, *registered* interior designer or residential designer who holds a certificate of registration pursuant to the provisions of this chapter to complete not more than 12 hours of continuing education as a condition to the renewal of his certificate.".

Assemblyman Perkins moved that the Assembly concur in the Senate amendment to Assembly Bill No. 258.

Remarks by Assemblyman Perkins.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolutions Nos. 40, 41, 42.

REMARKS FROM THE FLOOR

Assemblywoman Von Tobel requested that her remarks be entered in the Journal.

Congratulations to Coach Larry Easley and the UNLV Men's Tennis Team. This past Saturday, UNLV won the Men's Tennis NCAA singles and doubles championship. Luke Smith won the singles for UNLV. Smith teamed up with Tim Blenkiron to also win the doubles championship for UNLV. This is only the second time that a tennis player has won the NCAA singles and doubles championship.

Both players receive an automatic entry in the U.S. Open Tennis Tournament.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Ruff.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Joanne Turner, Lucinda Alipio, Crystal Allen, Kristen Allen, Hayley Anderson, Adam Baumann, J. J. Billett, Tessa Black, Afton Brown, Jennifer Brown, Brooke Butters, Karin Christiansen, Evelyn Christie, Katherine Clark, Jacqueline Cottle, Vicki De La Cruz, Suzie Erickson, Michelle Flores, Donald Frey, Tony Guillen, Jennifer Houck, Janeen Malkovich, Mrs. Monroe and Joanne Tanner.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Treva Williams, Caitlin Balchunas, Kevin Clifford, Lindsey Cope, Cathleen Davis, Lee Ensminger, Stephanie Foote, Mike Hill, Emily Kerr, Ryan Kersey, Martin Markee, Bryant Much, Mercedes Nava, Chris Olsen, Allison Ruppert, Brandon Salem-Kettle, Navneet Samra, Paige Sargent, David Snyder-Brownell, Ryan Hoeck, Emil Yankov, Chantell Swift, Natalie Valentine, Roy Taylor, Kylee Mischke, Brooke Kary, Kevin Kraemer, Joseph Stuart, Troy Abrahamson, Ann Foster, Alex Polkinhorn, James Hopkins, Peter Attashain, Walter Franco, Ryan Hussey, Eric Rogers, Bryon Majusiak, Sean Bird, Ryan Allen, Jessica Penley, Jillian Edelnant, Young Ran, Samantha Chou, Emily Bennett, Justine Hernandez, Enith Ballinas, Shannon Henderson, Jamie Connolly, Jennifer Turner, Matt Breslow, Brady Monette, Mrs. Linde, Mrs. Rogers, Mrs. Ensminger, Mr. Sargent, Mrs. Allen, Mrs. Torres and Ms. Partridge.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Cassie Baker, Cassidy Baxter, Chris Bloomfield, Brittany Brown, Justin Casey, Ben Clark, Nathanial Clark, Marty Greenstein, Katherine Henkelman, Daniel Kane, Eric Marantette, Kathryn Morton, Danny Nielsen, Shannon Nunnemaker, Lindsey Olson, Rachel Pesis, Jeri Pope, Shea Salazar, Andrew Stockhoff, Steven Keatch, Elizabeth Wentworth, Nancy Wong, Danielle Garcia, Heather Beaudette, Ryan Briscoe, Melissa Chandler, Andrew Dailey, Jamie Dittenber, Lewis Evans, Caleb Gesick, Bridget Gordon, Robert Handley, Jessie Hong, Jennifer Huckabay, Danielle Jones, Kurt Libby, Jared Madison, John Manuta, Sierra Neville, Daryl Nourse, Jennifer Saunders, Dorothy Seidel, Belinda Suwe, Kristi Volk, Katy Wilson, Jasia Wojtowicz and Misha Zaitzeff.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Pierczynski.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Lowery.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 28, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:35 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-NINTH DAY

CARSON CITY (Wednesday), May 28, 1997

Assembly called to order at 10:44 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Lt. John Van Cleef.

Sovereign Lord, as we gather this day we are mindful of the fact that this body gathers in representation of people. As they govern life, liberty and the pursuit of happiness I pray these men and women will be mindful of their constituency and their needs, both great and small. In Jesus' Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing musical renditions by the Smith Valley High School Choir.
Motion carried.

Assembly in recess at 10:48 a.m.

ASSEMBLY IN SESSION

At 11:02 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 76, 459; Senate Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 420; Senate Bill No. 128, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 403, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 431, 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Close, Amodei, Cegavske, Von Tobel, de Braga, Price, Hettrick, Arberry, Marvel, Neighbors, Collins, Parks, Lambert, Mortenson, Sandoval, Gustavson, Braunlin, Humke, Ernaut, Freeman, Koivisto, Herrera, Carpenter, Nolan, Berman, Dini, Evans, Goldwater, Anderson, Bache, Hickey, Segerblom, Tiffany, Manendo, Ohrenschall, Lee and Williams:

Assembly Joint Resolution No. 14—Urging Congress to amend the National Voter Registration Act of 1993 to allow discretion in determining whether a person is a citizen of the United States before providing a voter registration application form.

WHEREAS, The National Voter Registration Act of 1993 was enacted by Congress and on May 20, 1993, signed into law by President Clinton; and

WHEREAS, The major purpose of the National Voter Registration Act is to enhance the voter registration system by increasing the number of eligible citizens who register to vote and by augmenting the participation of eligible citizens as voters; and

WHEREAS, Through effective and efficient means, the National Voter Registration Act ensures that virtually all citizens have a convenient opportunity to exercise their right to register to vote; and

WHEREAS, The National Voter Registration Act requires that each state establish procedures to register voters by providing simultaneous application for a driver's license and voter

registration, by providing for application by mail to register to vote and by providing for application in person at designated public agencies, including public assistance agencies; and

WHEREAS, The United States Department of Justice has expressed the opinion that the National Voter Registration Act requires that all aliens, as well as citizens, be offered a voter registration application form, and that it is the responsibility of each individual person to whom an application form is presented to determine whether the requirements for voting can be met; and

WHEREAS, The privilege of voting in this country is reserved for persons who are citizens of the United States, and to attempt fraudulent or fictitious registration as a voter is a federal felony; and

WHEREAS, When governmental employees offer the opportunity to register to vote to a person who they know is an alien, no legitimate purpose is served and such an offer could be construed as entrapment or aiding in the commission of a felony; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature urges the members of the Nevada Congressional Delegation to introduce and support legislation to amend the National Voter Registration Act of 1993 to permit the use of discretion in determining whether a person is a citizen of the United States before providing a voter registration application form; and be it further

RESOLVED, That the Nevada Legislature urges Congress to enact an amendment to the National Voter Registration Act that would allow such discretion; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, to the Speaker of the House of Representatives and to each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblyman Close moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Evans, Dini, Perkins, Ohrenschall, Giunchigliani, Arberry, Williams, Buckley, Krenzer, Price, Segerblom, Mortenson, Manendo, Freeman, Goldwater, de Braga, Ernaut, Parks, Nolan, Koivisto, Herrera, Hickey, Close, Lambert, Amodei, Tiffany, Berman, Gustavson, Collins, Von Tobel, Chowning, Sandoval, Braunlin, Humke, Carpenter, Marvel, Hettrick, Bache, Neighbors, Cegavske, Lee and Anderson:

Assembly Concurrent Resolution No. 29—Memorializing former Governor Grant Sawyer.

WHEREAS, The Nevada Legislature along with the entire state was profoundly grieved to note the passing of former Governor Grant Sawyer on February 19, 1996; and

WHEREAS, Grant Sawyer was born to Harry and Bula Sawyer on December 14, 1918, in Twin Falls, Idaho; and

WHEREAS, After graduating from the University of Nevada, Reno, in 1941 and attending George Washington School of Law, Grant Sawyer, as a second lieutenant in the United States Army, helped set up an administration for the new Philippines Republic immediately following World War II; and

WHEREAS, After exiting the military, Grant Sawyer graduated from Georgetown University, settled in Elko, and was elected Elko District Attorney in 1950; and

WHEREAS, In 1958, Grant Sawyer became the youngest person ever elected as Governor of Nevada, being elected to the first of his two terms by the then largest margin of victory in Nevada history; and

WHEREAS, Governor Sawyer's decisive support for civil rights, as exemplified in acts such as his creation of the Nevada Equal Rights Commission, transformed the State of Nevada; and

WHEREAS, Governor Sawyer created and maintained a policy of rigid licensing and regulation in the gaming industry, thereby fighting the influence of organized crime and preserving the industry as an essential component of the State of Nevada; and

WHEREAS, The reorganization of government performed under Governor Sawyer became an example to the nation; and

WHEREAS, After leaving office in 1967, Governor Sawyer joined with Samuel S. Lionel to found the law firm now known as Lionel Sawyer & Collins, which has grown to be the largest law firm in the State of Nevada, where he served as chairman of the firm's administrative and gaming law department for more than 25 years, a period during which he led his department to great international recognition and achievement in the field of gaming law; and

WHEREAS, Governor Sawyer served as President of the Elko County Bar Association, President of the State District Attorneys' Association, Chairman of the State Democratic Central Committee, a member of the Board of Regents of the University of Nevada, General Counsel and Consultant to the Education Commission of the States, General Counsel for the Heart Fund Council in Nevada, a member of the Board of Directors of the National Judicial College and Chairman of the Nevada Commission on Nuclear Projects; and

WHEREAS, Governor Sawyer is survived by his wife Bette Sawyer, his daughter Gail Sawyer and his brother Harry Sawyer; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature extends its heartfelt sympathy to the family of Governor Grant Sawyer; and be it further

RESOLVED, That the Nevada Legislature along with the entire state honors the important advances achieved for the State of Nevada by Governor Grant Sawyer, and finds solace and inspiration in his singular example of commitment and accomplishment; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Sawyer's widow, Bette Sawyer.

Assemblywoman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Ernaut, Close, Carpenter, Price, Ohrenschall, Segerblom, Perkins, Dini, Mortenson and Anderson.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN EVANS:

Thank you, Mr. Speaker. In the firmament of Nevada's chief executives, no star shines with more radiance than that of Governor Grant Sawyer.

Each Governor leaves with us his own unique legacy. Grant Sawyer will be remembered for a lot of reasons, but especially for two very significant achievements. First, many believe that his greatest contribution was in demanding forceful gaming regulation. Remember that organized crime had its tentacles in Nevada, but the tax revenue from legalized gaming made state government solvent, and many in elected office found it convenient and prudent to look the other way. Reform began under Governor Russell with the establishment of the Gaming Control Board, but it was Governor Sawyer who created the State Gaming Commission with what amounted to autonomous powers in the granting and denying of gaming licenses.

Still, the specter of mob influence hung over Nevada. When Governor Sawyer learned that a raid on Nevada casinos was being planned by the U.S. Department of Justice, he went to Washington and complained to then Attorney General Robert Kennedy. Getting no satisfaction, he took his case to the President, and the raid was never staged. Governor Sawyer believed that Nevada should take responsibility for its problems and not fall under federal authority.

At the same time, Governor Sawyer saw that gaming regulation provided a key tool in his battle against racial discrimination. We all know that there was a time when Nevada was

called the "Mississippi of the West," and that the state was regularly embarrassed by hotel and casino policies that disallowed star performers like Nat King Cole and Sammy Davis, Jr. from being served or staying in the hotels where they performed. When the legislature failed to respond, Governor Sawyer jawboned major casino operators and told them that state policy opposed discrimination in public accommodation and that their operations and licenses would be examined to see if they were in compliance. It marked the beginning of the end of the old system of segregation in Nevada's leading industry.

Tough gaming regulation and new civil rights measures are but two of Governor Sawyer's many accomplishments. I know that others wish to speak about this great Nevadan whose loss we mourn and whose legacy we cherish. Today we honor and celebrate his life and leadership. He saw the future and rushed to meet it. Thank you, Grant Sawyer, for helping to make our state a place of which we can all be proud. We shall never forget you. Rest in peace. Thank you, Mr. Speaker.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. About five years ago, in my first term, I was playing golf at the Las Vegas Country Club, and I walked into the Men's Grill on the first floor to get a sandwich. Sitting alone at a table, very unassuming, was Governor Sawyer. I didn't notice him when I first walked in. He had on a hat and really wasn't talking with anyone. I sat at the table just a couple of feet away. The next thing I heard was, "Mr. Ernaut?" I turned, and seeing Governor Sawyer, went over to him. I was extremely flattered that he actually knew who I was.

Governor Sawyer took the time to give me a lot of advice, not just that day, but on other occasions. I had an opportunity to talk with him near the day that he passed, and I asked him why he had put his arm around me, so to speak, and he said, "You know, us Elko guys have got to stick together." He was a great man. He was one of the icons of this state. The Laxalts, the O'Callaghans, the Sawyers, the Russells—these were the people that made the really tough decisions. They fought forces that none of us have had to in our tenure.

I hope history treats Governor Sawyer with due respect because he was a giant, and he was somebody who shaped this state and should be remembered by each and every one of us and by all of our children.

ASSEMBLYMAN CLOSE:

I rise in support of ACR 29. With my 47-year history as a resident of the State of Nevada, I've had the opportunity to meet many fine individuals, and I would classify Governor Sawyer as being one of those individuals who is a true Nevadan. He had great foresight, probably greater than anyone that I knew, for looking to the future to what Nevada needed to do to become what we are today. He was committed to the state.

Governor Sawyer was very concerned about the welfare of others. He was much more concerned about them than he was for himself. He was a great and very accomplished politician. In his lifetime, he probably forgot more about politics than I even know and maybe many in this body know.

Governor Sawyer was a great campaigner. I had a great opportunity to relish that when my father was his opponent in the Democratic primary back in 1963. He killed my father's campaign, only because he was a great campaigner. Through it all, he was a gentleman. He was very concerned about the campaign. He even contacted my father during the campaign and asked him how he was doing. That was the type of man that he was. Even though my father lost, he had a great respect for Governor Sawyer, and they were friends up until the time my father passed away.

I think Governor Sawyer is a true representative of the state of Nevada, and I surely concur with the accolades which he is receiving this day. I'm sorry he's not here to see it, but I hope he's looking down upon us today to hear what we're saying about him. Thank you, Mr. Speaker.

ASSEMBLYMAN CARPENTER:

I, too, rise in support of ACR 29. As the resolution mentions, Governor Sawyer was born in Twin Falls, Idaho, which is just across the line from Elko, and he served as our district attorney.

The thing that I remember most about Governor Sawyer is that he never forgot his roots in rural Nevada. You could call him and ask him for advice or help, and he would always call you back.

I just want to add my support to this resolution. I know that Elko County is a better county because Grant Sawyer was our district attorney and helped us many, many times with the tough problems that we have in rural Nevada.

ASSEMBLYMAN PERKINS:

I, too, rise in support of ACR 29. The most difficult thing about speaking to a resolution that honors somebody such as Governor Sawyer is trying to reach down inside and feel worthy to even speak to it.

I, too, can share a story much like that of the Assistant Minority Leader. I met Governor Sawyer early in my political career and spent some time with him and received his advice and counsel. I was truly humbled by his great accomplishments and his sage advice. Governor Sawyer was a great visionary. He saw things that other people just didn't see. He was very passionate about the things he believed in and pursued them with great vigor. His mentoring can't go unstated either. I'm certain there are many people in this body that feel that they are better people and have better approaches to the public policies in our state because of their contacts with Governor Sawyer.

I have the ability to look across the valley from my home in Henderson, and every time I do, I can see Governor Sawyer in that valley. He had a great impact on Las Vegas and on Elko, and I think it's very true to say that Nevada, Elko, Las Vegas, and everywhere in between, are better places to live because of his efforts.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. Many years ago when I was living at McCarran Ranch, I made the decision to accept a job in Las Vegas. Sister Margaret McCarran was appropriately aghast that I was planning to go to "Sin City," a young graduate fresh out of law school who obviously didn't know anything of the world. She told me there was only one thing I could do that would please her. She told me, "I want you to go and see my friend Grant Sawyer. He can look out for you and make sure you're all right."

I followed Sister Margaret's advice. Grant Sawyer gave me an interview, and through the years, he was always there when I needed advice. That's the sort of person he was. He could look at the great issues of the day and yet also at all the little people and what they needed. I urge adoption of this resolution.

ASSEMBLYWOMAN SEGERBLOM:

I rise in support of ACR 29. Grant Sawyer and I were friends from college days. He spent a lot of time at the home of my neighbors, Ralph and Sarah Denton, and we had many good times laughing and joking and talking politics. He was a great friend, and he was a great supporter of the Democratic party, which, of course, I'm beholden to. We also spent time with Bob and Linda Faiss, who live in Boulder City.

ASSEMBLYMAN PRICE:

I, too, rise in support of ACR 29. Grant had already served his term as Governor before I actually met him, but like many Nevadans in those days, I had watched his activities and his great accomplishments. Primarily through Democratic party activities over the years, I was fortunate to have an opportunity to become friends with Grant and to receive his advice.

Grant also will stand in the history books as breaking a record that no other governor has accomplished thus far in the history of our state. In 1960, he served through the only annual session that this state ever had, so during his two terms as Governor, he worked with five legislatures. He really enjoyed it.

Grant was very good at selecting the people that he worked with. I think it would be appropriate to mention his chief of staff who is with us today, Dick Ham. We've worked together on many things over the years, and I'm glad that we're doing this today.

A few years ago I was serving on one of our state committees, the State Health Coordinating Council. The council reviewed and made recommendations on the applications of hospitals to purchase materials or equipment. I don't remember the specifics, but we had an application

before us that was quite controversial. On the day of the hearing, the attorney representing one side was Harry Reid and the attorney representing the other side was Grant Sawyer. As I sat there and listened to their arguments, it occurred to me that it was something of a historical thing to have such fine Nevadans on each side.

I would like to read into the record a fax that I received from the office of Nevada Senator Harry Reid.

> It is with great honor that I speak of Grant Sawyer. Upon his death last year, Nevada lost a true pioneer, but his legacy will continue to live on for years to come.
>
> Grant Sawyer was able to look past conventional wisdom when it came to race relations in the Silver State. During his term, he was a champion for equal rights, advocating equal opportunity for all. His victories pushed Nevada into the future and paved the way for the growth and success we can boast about today.
>
> Grant Sawyer was also a pioneer for the Democratic Party in Nevada. He led the party to numerous victories and his service and innovative leadership on the Democratic National Committee was admirable.
>
> Grant Sawyer set a standard for successful leadership in Nevada, but his visions and ideas will endure. His accomplishments truly exemplify the unique spirit of the Silver State and we are better for his service.

I also received a copy of a certificate of special congressional recognition for Grant Sawyer from the office of Congressman Jim Gibbons. The original will be mailed to his family.

Anyone who has worked and has served in Nevada certainly knows the wonderful accomplishments of Grant, and I'm fully in support of ACR 29. Thank you.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I certainly must rise in support of this resolution. Before I ever ran for public office, I served as chairman of a Chamber of Commerce committee in Yerington to repave the road from Schurz through Yerington to Fernley. We came over to Carson City about once a week and haunted Grant; he finally got the highway people to take a look at the project and they agreed to do it. This was my break into politics, and Grant and I developed a friendship that lasted many years.

Grant was always good counsel, and he knew what was going on in this state to his last days. He was a man of impeccable integrity. He worked hard to protect the state from federal intrusion into our gaming industry. I wish he was still alive today so he could help us in that effort again, because I think it's one of the most important things that can happen in the history of our state.

Grant was a man who worked hard. In 1966, before we had a constitutional prohibition against serving more than two terms as governor, Grant ran for a third term and was defeated by Governor Laxalt. That was the first election that I won. We talked about it afterward and he said, "Well, you got elected, and I got beat." And that was it.

Grant was always willing to take care of the problems in this state. He was a great man, and he'll be remembered for many years.

I have a letter to read into the record.

SUPREME COURT OF NEVADA
MIRIAM SHEARING, CHIEF JUSTICE
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

May 28, 1997

PRESIDENT LAWRENCE E. JACOBSEN, *Nevada Senate*, Carson City, NV 89710
SPEAKER JOSEPH E. DINI, JR., *Nevada Assembly*, Carson City, NV 89710
DEAR PRESIDENT JACOBSEN AND SPEAKER DINI:

The Supreme Court of Nevada endorses the resolution honoring former Governor Grant Sawyer, one of the greatest statesmen in the history of Nevada and a champion of the rights of all Nevadans.

Yours truly,
MIRIAM SHEARING
Chief Justice
Supreme Court of Nevada

ASSEMBLYMAN MORTENSON:

I knew Grant Sawyer as a private lawyer rather than politician. In 1969, I and two others who worked at the Nevada Test Site knew that we were going to get the ax because Lyndon Johnson had cancelled our program. We "ivory tower" types decided to go out into the big, bad world of business and buy a franchise. Since we were going to buy a franchise, we needed somebody to negotiate on our behalf, so I suggested this new law firm of Lionel Sawyer and Collins. I went to the law firm as the representative of this new organization, and lo and behold, Grant Sawyer, the former Governor, was talking to me. I pled poverty and said that we had to stay here in Nevada and open a business. We were neophytes. Grant Sawyer negotiated a contract for us with the franchise, and it was amazing. He had apparently studied this thing very, very thoroughly, and he negotiated unbelievable advantages for us from the franchise seller. I guess he took the poverty part to heart, too, because with all the work he did, I think he charged us a total of $200. For years afterwards, I'd pick up the phone and call him with problems, and he never turned the clock on. He would listen to my problems, give me good advice and I'd never get a bill from him.

ASSEMBLYMAN ANDERSON:

Although it's not part of this resolution, we have another issue here on the floor today that I think deserves recognition from this body. Mr. Faiss, who is sitting with Ms. Evans, has just been recognized nationally as among the 100 most distinguished attorneys in the United States for his expertise on gaming matters.

Resolution adopted.

Assemblywoman Evans moved that all rules be suspended and that Assembly Concurrent Resolution No. 29 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen de Braga, Hickey, Ohrenschall, Tiffany, Carpenter, Segerblom, Marvel, Neighbors, Berman, Williams, Buckley, Perkins, Arberry, Giunchigliani, Herrera, Close, Humke, Amodei, Von Tobel, Goldwater, Evans, Krenzer, Manendo, Nolan, Price, Sandoval, Mortenson, Cegavske, Collins, Chowning, Ernaut, Hettrick, Gustavson, Lee, Koivisto, Parks, Braunlin, Lambert, Freeman, Bache, Anderson and Dini:

Assembly Concurrent Resolution No. 30—Memorializing the pioneer rancher and former Assemblywoman Josie Alma Woods.

WHEREAS, The members of the Nevada Legislature were saddened to learn of the passing of pioneer rancher and former Assemblywoman Josie Alma Woods on February 19, 1983; and

WHEREAS, Josie Alma Woods was born in Clyde, Texas, on December 29, 1889; and

WHEREAS, Arriving in Nevada in the early 1900's, Josie Alma Woods spent 5 years riding a circuit between mining towns in a buckboard, assisting business partner, Dr. Mabel Young, in her dentistry practice; and

WHEREAS, In 1915, they purchased a 1911 Model T and, because it had a tendency to break down, they paid a mechanic $25 to take the engine apart, describe the works and show them how to repair it themselves; and

WHEREAS, Josie Alma Woods purchased 40 head of cattle at an estate auction and acquired a former stagecoach and Pony Express station located between Eureka and Austin, Nevada, which she named "The Willows"; and

WHEREAS, Josie Alma Woods, with no previous ranching experience, soon became known as an expert judge of cattle and transformed the 320-acre homestead into a successful cattle ranch, encompassing 1,200 square miles by the time it was sold in 1954; and

WHEREAS, In 1942, Josie Alma Woods was the first woman elected to the Nevada Legislature as a representative of Eureka County and, in 1944, she was reelected, serving two terms in the Nevada State Assembly; and

WHEREAS, Josie Alma Woods was the first woman appointed to serve on the Assembly Standing Committee on Taxation and the Assembly Standing Committee on Banks and Banking; and

WHEREAS, Josie Alma Woods was a member of the Eureka County Farm Bureau, the Eureka Business and Professional Women's Club, and the National and State Livestock Associations; and

WHEREAS, Josie Alma Woods embodied the true spirit of the pioneer woman, so much so that her life story was the basis for the popular movie "The Ballad of Josie," which starred Doris Day; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th session of the Nevada Legislature extend their belated and sincere condolences to the family and friends of Josie Alma Woods; and be it further

RESOLVED, That the Nevada Legislature celebrates the life and legacy of a pioneer woman who personified the contributions that women have made in our state; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the nieces and nephews of Josie Alma Woods: Mary June Bell, Douglas Woods, Robert Odle, Edward Odle and Kenneth Phillips.

Assemblywoman de Braga moved the adoption of the resolution.

Remarks by Assemblywoman de Braga.

Assemblyman Perkins requested that Assemblywoman de Braga's remarks be entered in the Journal.

The fact that Josie Alma Woods was one of a very few legislators never memorialized by this body was brought to my attention by LCB Researcher Dana Bennett. She made the discovery while working on a women's history project.

Josie was bitten by the political bug in 1940, and she filed as an Independent candidate for commissioner in Eureka County. She did no advertising, very little campaigning and received only 25 percent of the vote. Undaunted and learning much from her first campaign, Josie ran for the Assembly in 1942. She received more than 60 percent of the vote and was the first woman elected to represent Eureka County. She was also the only woman elected to represent Eureka County, until I came along 50 years later. She was reelected in 1944, achieving another milestone by being, at that time, the first woman ever to win reelection to the legislature.

During her short term, gaming was legalized in Nevada. She voted for it, stating, "They're doing it anyway, and life is a gamble."

Josie lost her re-election bid in 1946 to a man who had just returned from the war. She had intended to run for the Senate but was promised by Senate candidate Jack Murray that if she didn't run against him, he would get her the support necessary to be reelected to the Assembly. Her opponent, however, took out a full-page ad reminding voters that he had fought for them in the war, and he defeated her.

Another disappointment occurred when Josie, who had written her own story of her life, enlisted the aid of a professional writer to edit it. The ghostwriter sold her story to "some outfit in Hollywood" and the movie, "The Ballad of Josie," starring Doris Day, resulted. Josie never received a penny for her story. She was, however, eternally optimistic and good-natured. Of her years in the legislature she wrote, "All the members of the legislature were grand to me, and some of our smartest men would come to me and ask my opinion. I loved every minute I was in the legislature." She also stated in a letter that she had serious concerns about the high cost of putting a bill through to make it law and indicated that it was a terrible waste because "hundreds of them are never used."

Josie's indomitable spirit endured for 93 years and yet her accomplishments in ranching, community affairs and politics were never properly acknowledged. Through this resolution we will correct a great oversight that was made, and through her family, commend the remarkable Josie Alma Woods for her years of service to the State of Nevada.

Resolution adopted.

Assemblywoman de Braga moved that all rules be suspended and that Assembly Concurrent Resolution No. 30 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 417.

Bill read third time.

Remarks by Assemblymen Berman and Collins.

Roll call on Assembly Bill No. 417:

YEAS — 42.

NAYS — None.

Assembly Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 444:

YEAS — 42.

NAYS — None.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 207.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 207:

YEAS — 42.

NAYS — None.

Senate Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 237.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 237:

YEAS — 42.

NAYS — None.

Senate Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Segerblom, Evans, Williams, de Braga, Ohrenschall, Neighbors, Mortenson, Parks, Buckley, Herrera, Arberry, Koivisto, Chowning, Collins, Von Tobel, Anderson, Manendo, Perkins, Hickey, Freeman, Lee, Giunchigliani, Price and Krenzer:

Assembly Bill No. 543—An Act relating to education; removing the exemption from certain disciplinary procedures that is provided for licensed educational personnel who have negotiated their employment contracts pursuant to the Local Government Employee-Management Relations Act; revising certain procedures regarding the admonishment of licensed educational personnel; providing that certain employees who have been suspended, dismissed or not reemployed are entitled to reinstatement; clarifying that educational personnel who have been suspended for certain reasons are entitled to compensation during the period of their suspension; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Dini:

Assembly Bill No. 544—An Act making an appropriation to the Department of Transportation for the construction of a bridge at Hafed Crossing in Storey County; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 545—An Act relating to taxicabs; requiring the testing of certain persons who work with taxicabs for the presence of alcohol and controlled substances; imposing certain duties with regard to such testing on taxicab motor carriers and certain certificate holders for the operation of a taxicab business; providing for the confidentiality of such testing; requiring the public service commission of Nevada and the taxicab authority to adopt regulations concerning such testing; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 546—An Act relating to motor vehicles; revising the provisions governing the licensing of short-term lessors of motor vehicles; imposing additional fees on such short-term lessors; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 547—An Act relating to public works projects; requiring the adoption of criteria for the qualification of bidders on a contract for a public work; requiring a person to qualify before bidding on such a contract; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 548—An Act relating to industrial insurance; requiring the rates for the plan for equitable apportionment among insurers of persons who are entitled to insurance but who have not been accepted by an insurer to be actuarially determined to ensure that the plan is self-sustaining; eliminating the requirement that a private carrier provide industrial insurance for the same classes of risk for which he provides industrial insurance outside this state; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committees on Health and Human Services and Judiciary:

Amendment No. 353.

Amend sec. 9, page 4, by deleting lines 2 through 10 and inserting: "*recipient who has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.*

2. If the head of a household that is receiving benefits pursuant to the program to provide temporary assistance for needy families:

(a) Has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age; and

(b) Does not comply with the provisions of NRS 392.040 with respect to that child, the division shall require the head of the household to review with the division the personal responsibility plan signed by him pursuant to section 17 of this act and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040.".

Amend sec. 16, page 4, line 38, by deleting "*care*" and inserting: "*care, treatment for the abuse of alcohol or drugs*".

Amend sec. 17, page 5, line 13, by deleting "*may*" and inserting: "*may, with the participation of the head of the household,*".

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

"Sec. 18.5. *Within 45 days after an applicant for benefits submits his application to the division, the division shall:*

1. Approve the application and begin providing benefits to the applicant; or

2. Deny benefits to the applicant.".

Amend sec. 19, page 5, line 44, by deleting "*or*".

Amend sec. 19, page 5, after line 44, by inserting:

"*(6) Is a person who is 60 years of age or older and is the caretaker of a child who is not a relative of that person; or*".

Amend sec. 19, page 6, line 1, by deleting "*(6)*" and inserting "*(7)*".

Amend sec. 20, page 6, line 10, after "*household* " by inserting: "*who is not suffering from a hardship described in subsection 7 of section 23 of this act* ".

Amend sec. 21, page 6, line 31, by deleting: "*is not ineligible*" and inserting: "*may be determined to be eligible*".

Amend sec. 22, page 7, by deleting lines 14 and 15 and inserting: "*reduction required by subparagraph (1), reduce for 1 month the total amount of benefits provided to the household by two-thirds or by an amount equal to the total amount of the benefits provided to the household divided by the number of members of the household, whichever is greater; and*".

Amend sec. 22, page 7, by deleting lines 30 and 31 and inserting: "*reduction required by subparagraph (1), reduce for 1 month the total amount of benefits provided to the household by two-thirds or by an amount equal to the total amount of the benefits provided to the household divided by the number of members of the household, whichever is greater; and*".

Amend sec. 22, page 8, by deleting lines 2 and 3 and inserting: "*reduction required by subparagraph (1), reduce for 1 month the total amount of benefits provided to the household by two-thirds or by an amount equal to the total amount of the benefits provided to the household divided by the number of members of the household, whichever is greater; and*".

Amend sec. 23, page 9, line 20, by deleting "*or*".

Amend sec. 23, page 9, line 21, after "*(f)*" by inserting: "*Is a person who is 60 years of age or older and is the caretaker of a child who is not a relative of that person; or*

(g)".

Amend sec. 24, page 9, by deleting line 30 and inserting "*consecutive months.*".

Amend sec. 26, page 10, line 4, by deleting "*section 3*" and inserting: "*sections 3 and 4*".

Amend the bill as a whole by deleting sec. 27 and inserting:

"Sec. 27. (Deleted by amendment.)".

Amend sec. 28, page 10, by deleting line 13 and inserting:

"2. [Aid to families with dependent children;] *Temporary assistance for needy families;*".

Amend the bill as a whole by deleting sec. 29 and inserting:

"Sec. 29. (Deleted by amendment.)".

Amend sec. 36, page 13, line 35, by deleting "*, and* " and inserting: "*, sections 6 to 25, inclusive, of this act and* ".

Amend sec. 37, page 14, by deleting line 10 and inserting:

"(b) [Aid to families with dependent children;] *Temporary assistance for needy families;*".

Amend sec. 37, page 14, by deleting line 29 and inserting: "inclusive [.] , *and sections 6 to 25, inclusive, of this act.*".

Amend the bill as a whole by deleting sec. 38 and inserting:

"Sec. 38. (Deleted by amendment.)".

Amend sec. 40, page 17, by deleting lines 20 through 23 and inserting: "*this section if the request for the hearing is based solely upon the provisions of a federal law or a law of this state that requires an automatic adjustment to the amount of public assistance that may be received by an applicant or recipient.*".

Amend sec. 50, page 19, line 30, by deleting "*an application*" and inserting "*a request* ".

Amend sec. 53, page 20, line 6, by deleting "*A*" and inserting: "*Except as otherwise provided in subsection 3, a*".

Amend sec. 53, page 20, between lines 36 and 37, by inserting:

"*3. A hearing officer appointed pursuant to section 51 of this act may not modify or adjust a judicial order.*".

Amend sec. 55, page 21, line 11, by deleting "*an application*" and inserting "*a request* ".

Amend sec. 58, page 22, by deleting line 44.

Amend sec. 58, page 23, line 1, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 58, page 23, line 2, by deleting "*(e)*" and inserting "*(d)*".

Amend sec. 58, page 23, line 4, by deleting "*(f)*" and inserting "*(e)*".

Amend sec. 58, page 23, line 8, by deleting "*(g)*" and inserting "*(f)*".

Amend sec. 58, page 23, line 10, by deleting "*(h)*" and inserting "*(g)*".

Amend sec. 58, page 23, line 13, by deleting "*(i)*" and inserting "*(h)*".

Amend sec. 58, page 23, by deleting line 16 and inserting:

"*(i) A statement that a petition for review of the order may be filed with the district*".

Amend sec. 61, page 25, line 29, by deleting "*appeal* " and inserting: "*petition for review*".

Amend sec. 62, page 26, by deleting line 18 and inserting:

"*(i) A reference to NRS 425.381 to 425.3852, inclusive, and sections 50 to 68, inclusive, of this act.*".

Amend sec. 62, page 26, by deleting line 34.

Amend sec. 62, page 26, line 35, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 62, page 26, line 36, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 62, page 26, line 38, by deleting "*(e)*" and inserting "*(d)*".

Amend sec. 62, page 26, line 42, by deleting "*(f)*" and inserting "*(e)*".

Amend sec. 64, page 27, between lines 31 and 32, by inserting: "*The division shall pay the costs of any tests conducted pursuant to this section. If the hearing officer issues an order establishing the paternity of a child pursuant to sections 53 to 68, inclusive, of this act, the father shall reimburse the division for the costs of those tests.*".

Amend sec. 64, page 28, line 10, by deleting "*tests the*" and inserting: "*tests or tests for genetic identification, the*".

Amend sec. 65, page 28, line 19, by deleting "*90*" and inserting "*20*".

Amend sec. 65, page 28, line 20, by deleting "*on*" and inserting: "*in accordance with the provisions of section 65.5 of this act.*".

Amend sec. 65, page 28, by deleting line 21.

Amend sec. 65, page 28, line 22, by deleting: "*notice of appeal*" and inserting: "*petition for review*".

Amend sec. 65, page 28, line 24, by deleting "*notice,*" and inserting "*petition,*".

Amend sec. 65, page 28, line 28, by deleting "*appeal*" and inserting "*review*".

Amend the bill as a whole by adding a new section designated sec. 65.5, following sec. 65, to read as follows:

"Sec. 65.5. *1. Before the date set by the district court for a hearing to review the final decision of a hearing officer, an application may be made to the district court by motion, with notice to the opposing party and an opportunity for that party to respond, for leave to present additional evidence. If it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the hearing officer, the court may order that the additional evidence be taken before the hearing officer upon conditions determined by the court. The hearing officer may modify his findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.*

2. The review must be conducted by the district court without a jury and must be confined to the record. In cases of alleged irregularities in procedure before the hearing officer, not shown in the record, proof thereon may be taken in the court. The court, at the request of either party, shall hear oral argument and receive written briefs.

3. The district court shall not substitute its judgment for that of the hearing officer as to the weight of the evidence on questions of fact. The court may affirm the decision of the hearing officer or remand the case for further proceedings. The court may reverse the decision and remand the case to the hearing officer for further proceedings if substantial rights of the appellant have been prejudiced because the findings, inferences, conclusions or decisions of the hearing officer:

(a) Violate constitutional, regulatory or statutory provisions;

(b) Exceed the statutory authority of the hearing officer;

(c) Are made upon unlawful procedure;

(d) Are affected by other error of law;

(e) Are clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Are arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

4. An aggrieved party may obtain review of any final judgment of the district court by appeal to the supreme court. The appeal must be taken in the manner provided for civil cases.".

Amend sec. 68, page 28, line 39, by deleting "*The*" and inserting: "*1. Except as otherwise provided in subsection 2, the*".

Amend sec. 68, page 28, between lines 41 and 42, by inserting:

"*2. To the extent they are not inconsistent with the provisions of this chapter, the provisions of NRS 126.051, 126.081, 126.121, 126.131 and 126.171 apply to a proceeding to determine paternity conducted by a hearing officer pursuant to sections 53 to 68, inclusive, of this act.*".

Amend sec. 72, page 32, line 22, by deleting: "*or section 60 of this act* ".

Amend sec. 72, page 32, lines 23 and 24, by deleting: "*or hearing officer*".

Amend sec. 74, page 33, by deleting lines 14 and 15 and inserting: "*companies; and* ".

Amend sec. 74, page 33, by deleting lines 18 through 20 and inserting: "*assets, liabilities and any other details of the finances of a person.*".

Amend sec. 75, page 33, by deleting lines 31 through 35 and inserting:

"Sec. 75. *1. After paternity is alleged pursuant to NRS 425.3826, and a written response denying paternity and requesting a hearing is received by the chief pursuant to paragraph (g) of subsection 1 of NRS 425.3824, the chief shall order blood tests or tests for the genetic*".

Amend sec. 75, page 34, by deleting lines 1 through 7 and inserting:

"*2. Except as otherwise provided in subsection 3, the division shall pay the costs of any tests conducted pursuant to this section. If the district court approves a recommendation establishing the paternity of a child pursuant to NRS 425.3844, the father shall reimburse the division for the costs of those tests.*".

Amend sec. 76, page 34, line 13, by deleting "*master,*" and inserting "*master or*".

Amend sec. 76, page 34, by deleting lines 15 through 17 and inserting: "*inclusive, and section 52 of this act must contain the social security numbers of the parents*".

Amend sec. 82, page 35, by deleting line 9 and inserting: "this chapter, the provisions of chapter 31A, 125B and [130] *126* of ".

Amend sec. 85, page 36, by deleting line 16 and inserting: "NRS 425.3822 within 90 days after".

Amend sec. 85, page 36, by deleting line 27 and inserting: "prosecuting attorney, may also [represent the recipient] *collect payments of support* when the amount of ".

Amend the bill as a whole by adding a new section designated sec. 85.5, following sec. 85, to read as follows:

"Sec. 85.5. NRS 425.350 is hereby amended to read as follows:

425.350 1. A parent has duties to support his children which include any duty arising by law or under a court order.

2. If a court order specifically provides that no support for a child is due, the order applies only to those facts upon which the decision was based.

3. By accepting assistance in his own behalf or in behalf of any other person, the applicant or recipient shall be deemed to have made an assignment to the division of all rights to support from any other person which the applicant or recipient may have in his own behalf or in behalf of any other member of the family for whom the applicant or recipient is applying for or receiving assistance. Rights to support include, but are not limited to, accrued but unpaid payments for support and payments for support to accrue during the period for which assistance is provided. The amount of the assigned rights to support must not exceed the amount of public assistance provided or to be provided. If a court order exists for the support of a child on whose behalf public assistance is received, the division shall attempt to notify a located responsible parent as soon as possible after assistance begins that the child is receiving public assistance. If there is no court order for support, the division shall with service of process serve notice on the responsible parent in the manner prescribed in subsection 2 of NRS 425.3822 *or subsection 2 of section 55 of this act* within 90 days after the date on which the responsible parent is located.

4. The recipient shall be deemed, without the necessity of signing any document, to have appointed the administrator as his attorney in fact with power of substitution to act in his name and to endorse all drafts, checks, money orders or other negotiable instruments representing payments for support which are received as reimbursement for the public assistance previously paid to or on behalf of each recipient.

5. The rights of support assigned under subsection 3 constitute a debt for support owed to the division by the responsible parent. The debt for support is enforceable by any remedy provided by law. The division, through the prosecuting attorney, may also collect payments of support when the amount of the rights of support exceeds the amount of the debt for support.

6. The assignment provided for in subsection 3 is binding upon the responsible parent upon service of notice of the assignment. After notification, payments by the responsible parent to anyone other than the division must not be credited toward the satisfaction of the debt for support. Service of notice is complete upon:

(a) The mailing, by first-class mail, of the notice to the responsible parent at his last known address;

(b) Service of the notice in the manner provided for service of civil process; or

(c) Actual notice.".

Amend sec. 86, page 37, line 2, by deleting: "*upon application and*".

Amend sec. 88, pages 37 and 38, by deleting lines 17 through 44 on page 37 and lines 1 through 22 on page 38, and inserting:

"425.382 1. [The] *Except as otherwise provided in section 47 of this act, the* chief may proceed pursuant to NRS [425.382] *425.3822* to 425.3852, inclusive, *and section 52 of this act* after:

(a) Payment of public assistance by the division [.] *; or*

(b) Receipt of [an application] *a request* for services [for enforcement pursuant to NRS 125B.150 by a person who is not receiving public assistance.

(c) Receipt of a written request for enforcement of an obligation for support of a dependent child from an agency of another state responsible for administering the Federal Child Support Enforcement Program Act (42 U.S.C. §§ 651 et seq.).] *to carry out the program.*

2. Subject to approval by the district court, [the] *a* master may:

(a) [Establish, modify and terminate an amount of support for a dependent child;

(b)] *Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of section 237 of this act.*

(b) Except as otherwise provided in chapter 130 of NRS and section 47 of this act:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

(2) Require coverage for health care of a dependent child;

[(c)] *(3)* Establish paternity; [and

(d) Collect support for a dependent child.

3. The administrator may, pursuant to NRS 422.238, adopt such regulations and take such actions as necessary to carry out the provisions of NRS 425.382 to 425.3852, inclusive.]

(4) Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

(5) Order the withholding of income;

(6) Determine the amount of any arrearages and specify a method of payment;

(7) Enforce orders by civil or criminal contempt, or both;

(8) Set aside property for satisfaction of an order for the support of a dependent child;

(9) Place liens and order execution on the property of the responsible parent;

(10) Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

(11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

(12) Order the responsible parent to seek appropriate employment by specified methods;

(13) Upon the request of the division, require a responsible parent to:

(I) Pay any support owed in accordance with a plan approved by the division; or

(II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the division deems appropriate;

(14) Award reasonable attorney's fees and other fees and costs; and

(15) Grant any other available remedy.".

Amend the bill as a whole by adding a new section designated sec. 88.5, following sec. 88, to read as follows:

"Sec. 88.5. NRS 425.382 is hereby amended to read as follows:

425.382 [1. Except as otherwise provided in section 47 of this act, the chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, and section 52 of this act after:

(a) Payment of public assistance by the division; or

(b) Receipt of a request for services to carry out the program.

2.] Subject to approval by the district court, a master may:

[(a)] *1.* Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of section 237 of this act.

[(b)] *2.* Except as otherwise provided in chapter 130 of NRS and section 47 of this act:

[(1)] *(a)* Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

[(2)] *(b)* Require coverage for health care of a dependent child;

[(3)] *(c)* Establish paternity;

[(4)] *(d)* Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

[(5)] *(e)* Order the withholding of income;

[(6)] *(f)* Determine the amount of any arrearages and specify a method of payment;

[(7)] *(g)* Enforce orders by civil or criminal contempt, or both;

[(8)] *(h)* Set aside property for satisfaction of an order for the support of a dependent child;

[(9)] *(i)* Place liens and order execution on the property of the responsible parent;

[(10)] *(j)* Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

[(11)] *(k)* Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

[(12)] *(l)* Order the responsible parent to seek appropriate employment by specified methods;

[(13)] *(m)* Upon the request of the division, require a responsible parent to:

[(I)] *(1)* Pay any support owed in accordance with a plan approved by the division; or

[(II)] *(2)* Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the division deems appropriate;

[(14)] *(n)* Award reasonable attorney's fees and other fees and costs; and

[(15)] *(o)* Grant any other available remedy.".

Amend sec. 89, page 38, by deleting lines 30 and 31 and inserting:

"[(c) The program receives an application] *or*

(b) Receives a request for services [for enforcement pursuant to NRS".

Amend sec. 90, page 39, line 12, by deleting "*paragraph (m)*" and inserting: "*subparagraph (13) of paragraph (b)*".

Amend sec. 90, page 39, by deleting lines 32 and 33 and inserting:

"(j) A reference to NRS 425.382 to 425.3852, inclusive [.] , *and section 52 of this act.*".

Amend the bill as a whole by adding a new section designated sec. 90.5, following sec. 90, to read as follows:

"Sec. 90.5. NRS 425.3824 is hereby amended to read as follows:

425.3824 1. The notice and finding of financial responsibility issued pursuant to NRS 425.3822 must include:

(a) The name of the person who has physical custody of the dependent child and the name of the child for whom support is to be paid.

(b) A statement of the monthly support for which the parent is responsible.

(c) A statement of the amount of arrearages sought, if any.

(d) A statement that the parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(e) A statement of any requirements the division will request pursuant to [subparagraph (13) of paragraph (b)] *paragraph (m)* of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(f) A statement that if the parent desires to discuss the amount of support or coverage for health care that the parent should be required to pay or provide, the parent may contact the office that sent the notice within 20 days after the date of receipt of service and request a conference for negotiation.

(g) A statement that if the parent objects to any part of the notice and finding of financial responsibility, the parent must send to the office that issued the notice a written response within 20 days after the date of receipt of service that sets forth any objections and requests a hearing.

(h) A statement that if a response is received within the specified period, the parent is entitled to a hearing and that if a written response is not received within the specified period, the master may enter a recommendation for support of a dependent child in accordance with the notice and finding of financial responsibility.

(i) A statement that as soon as the recommendation is entered and approved by the court, the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(j) A reference to NRS [425.382] *425.381* to 425.3852, inclusive, and [section 52] *sections 50 to 68, inclusive,* of this act.

(k) A statement that the parent is responsible for notifying the office of any change of address or employment.

(l) A statement that if the parent has any questions, the parent may contact the office or consult an attorney.

(m) Such other information as the chief finds appropriate.

2. The statement of the monthly support required pursuant to paragraph (b) of subsection 1 must be computed in accordance with NRS 125B.070.

3. After a conference for negotiation is held pursuant to paragraph (f) of subsection 1, if an agreement is not reached on the monthly support to be paid or the coverage to be provided, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail at his last known address or to the last known address of his attorney.".

Amend sec. 91, page 40, line 18, by inserting an open bracket before "The".

Amend sec. 91, page 40, line 19, by inserting a closed bracket after "(d)".

Amend sec. 91, page 40, line 20, by deleting "(e)" and inserting "[(e)] *(d)*".

Amend sec. 91, page 40, by deleting line 22 and inserting:

"[(f)] *(e) Any requirements to be imposed pursuant to subparagraph (13) of paragraph (b) of*".

Amend sec. 91, page 40, line 25, by deleting "*(g)*" and inserting "*(f)*".

Amend sec. 91, page 40, line 27, by deleting "*(h)*" and inserting "*(g)*".

Amend sec. 91, page 40, line 30, by deleting "*(i)*" and inserting "*(h)*".

Amend sec. 91, page 40, line 33, by deleting "*(j)*" and inserting "*(i)*".

Amend the bill as a whole by adding a new section designated sec. 91.5, following sec. 91, to read as follows:

"Sec. 91.5. NRS 425.3828 is hereby amended to read as follows:

425.3828 1. If a written response setting forth objections and requesting a hearing is received by the office issuing the notice and finding of financial responsibility within the specified period, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail.

2. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall include in that recommendation:

(a) If the paternity of the dependent child is established by the recommendation, a declaration of that fact.

(b) The amount of monthly support to be paid, including directions concerning the manner of payment.

(c) The amount of arrearages owed.

(d) Whether coverage for health care must be provided for the dependent child.

(e) Any requirements to be imposed pursuant to [subparagraph (13) of paragraph (b)] *paragraph (m)* of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(f) The names and social security numbers of the parents or legal guardians of the child.

(g) The name and social security number of the person to whom, and the name and date of birth of the dependent child for whom support is to be paid.

(h) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(i) A statement that objections to the recommendation may be filed with the district court and served upon the other party within 10 days after receipt of the recommendation.

3. The parent must be sent a copy of the recommendation for the support of a dependent child by regular mail addressed to the last known address of the parent, or if applicable, the last known address of the attorney for the parent.

4. The recommendation for the support of a dependent child is final upon approval by the district court pursuant to NRS 425.3844. The chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, and the master enters a recommendation for the support of a dependent child, the court may grant relief from the recommendation on the grounds set forth in paragraph (b) of Rule 60 of the Nevada Rules of Civil Procedure.".

Amend sec. 95, page 44, line 15, by deleting "*paragraph (m)*" and inserting: "*subparagraph (13) of paragraph (b)*".

Amend sec. 95, page 45, line 3, by inserting an open bracket before "The".

Amend sec. 95, page 45, line 4, by inserting a closed bracket after "(c)".

Amend sec. 95, page 45, line 5, by deleting "(d)" and inserting "[(d)] *(c)*".

Amend sec. 95, page 45, by deleting line 7 and inserting:

"[(e)] *(d) Any requirements to be imposed pursuant to subparagraph (13) of paragraph (b) of*".

Amend sec. 95, page 45, line 10, by deleting "*(f)*" and inserting "*(e)*".

Amend the bill as a whole by adding a new section designated sec. 95.5, following sec. 95, to read as follows:

"Sec. 95.5. NRS 425.3836 is hereby amended to read as follows:

425.3836 1. After the issuance of an order for the support of a dependent child by a court, the chief may issue a notice of intent to enforce the order. The notice must be served upon the responsible parent in the manner prescribed for service of summons in a civil action or mailed to the responsible parent by certified mail, restricted delivery, with return receipt requested.

2. The notice must include:

(a) The names of the person to whom support is to be paid and the dependent child for whom support is to be paid.

(b) The amount of monthly support the responsible parent is required to pay by the order for support.

(c) A statement of the arrearages owed pursuant to the order for support.

(d) A demand that the responsible parent make full payment to the enforcing authority within 14 days after the receipt or service of the notice.

(e) A statement that the responsible parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(f) A statement of any requirements the division will request pursuant to [subparagraph (13) of paragraph (b)] *paragraph (m)* of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the responsible parent or the participation of the responsible parent in work activities.

(g) A statement that if the responsible parent objects to any part of the notice of intent to enforce the order, he must send to the office that issued the notice a written response within 14 days after the date of receipt of service that sets forth any objections and includes a request for a hearing.

(h) A statement that if full payment is not received within 14 days or a hearing has not been requested in the manner provided in paragraph (g), the chief is entitled to enforce the order and that the property of the responsible parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(i) A reference to NRS [425.382] *425.381* to 425.3852, inclusive, and [section 52] *sections 50 to 58, inclusive,* of this act.

(j) A statement that the responsible parent is responsible for notifying the office of any change of address or employment.

(k) A statement that if the responsible parent has any questions, he may contact the appropriate office or consult an attorney.

(l) Such other information as the chief finds appropriate.

3. If a written response setting forth objections and requesting a hearing is received within the specified period by the office issuing the notice of intent to enforce the order, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the responsible parent by regular mail. If a written response and request for hearing is not received within the specified period by the office issuing the notice, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall include in that recommendation:

(a) The amount of monthly support to be enforced, including directions concerning the manner of payment.

(b) The amount of arrearages owed and the manner of payment.

(c) Whether coverage for health care must be provided for the dependent child.

(d) Any requirements to be imposed pursuant to [subparagraph (13) of paragraph (b)] *paragraph (m)* of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(e) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, the withholding of wages, garnishment, liens and execution on liens.

4. After the district court approves the recommendation for the support of a dependent child, the recommendation is final. The chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. This section does not prevent the chief from using other available remedies for the enforcement of an obligation for the support of a dependent child at any time.

6. The master may hold a hearing to enforce a recommendation for the support of a dependent child after the recommendation has been entered and

approved by the district court. The master may enter a finding that the parent has not complied with the order of the court and may recommend to the district court that the parent be held in contempt of court. The finding and recommendation is effective upon review and approval of the district court.".

Amend sec. 97, page 46, between lines 13 and 14, by inserting: "*The division shall pay the costs of any tests conducted pursuant to this section. If the district court approves a recommendation establishing the paternity of a child pursuant to NRS 425.3844, the father shall reimburse the division for the costs of those tests.*".

Amend sec. 100, page 48, line 15, by deleting: "plaintiff or petitioner" and inserting: "[plaintiff or petitioner] *interests of the public*".

Amend sec. 105, page 51, line 25, after "seq.)." by inserting: "*Except as otherwise required by federal law or as a condition to the receipt of federal money, any money recovered by the enforcing authority for the payment of arrearages in the support of a child must be distributed to the custodial parent to satisfy any right to those arrearages retained by the custodial parent before any of that money may be distributed in satisfaction of any right to those arrearages assigned to the division.*".

Amend the bill as a whole by adding a new section designated sec. 105.5, following sec. 105, to read as follows:

"Sec. 105.5. Chapter 428 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To restrict the use or disclosure of any information concerning applicants for or recipients of public assistance to those purposes directly related to the administration of this chapter, and to provide safeguards therefor, the board of county commissioners of each county shall establish and enforce ordinances governing the custody, use and preservation of the records, files and communications related to those persons that are filed with the board.

2. If, under the provisions of law or the ordinances of a board of county commissioners adopted pursuant to subsection 1, the names and addresses of, or information concerning, applicants for or recipients of public assistance are furnished to or held by any other agency or department of government, the agency or department shall comply with the ordinances of the board of county commissioners prohibiting the publication of lists and records thereof or their use for purposes not directly connected with the administration of this chapter.

3. Except for purposes directly related to the administration of this chapter, no person may publish, disclose or use, or permit or cause to be published, disclosed or used, any confidential information relating to an applicant for or a recipient of public assistance under the provisions of this chapter.

4. As used in this section, "public assistance" means medical or financial assistance provided by a county pursuant to this chapter.".

Amend sec. 151, page 69, line 3, after "*license.*" by inserting: "*If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.*".

Amend sec. 163, page 73, by deleting lines 20 through 25 and inserting:

"*2. In addition to any other method authorized by law for obtaining jurisdiction over a person inside or outside of this state, personal jurisdiction may be acquired anywhere within the territorial limits of this state by service of process in any manner prescribed by the Nevada Rules of Civil Procedure.*".

Amend sec. 173, page 79, line 2, after "adjusted." by inserting: "*Each review conducted pursuant to this section must be in response to a separate request.*".

Amend the bill as a whole by deleting sec. 174 and inserting:

"Sec. 174. (Deleted by amendment.)".

Amend sec. 183, page 83, by deleting lines 24 and 25 and inserting: "[130.245] *425.382 to 425.3852, inclusive, and section 52 of this act, section 274 of this act* or NRS 201.025.".

Amend the bill as a whole by adding a new section designated sec. 183.5, following sec. 183, to read as follows:

"Sec. 183.5. NRS 126.041 is hereby amended to read as follows:

126.041 The parent and child relationship between a child and:

1. The natural mother may be established by proof of her having given birth to the child, or under this chapter, section 274 of this act or NRS 201.025.

2. The natural father may be established under this chapter, NRS [425.382] *425.381* to 425.3852, inclusive, and [section 52] *sections 50 to 68, inclusive,* of this act, section 274 of this act or NRS 201.025.

3. An adoptive parent may be established by proof of adoption.".

Amend the bill as a whole by adding a new section designated sec. 188.5, following sec. 188, to read as follows:

"Sec. 188.5. NRS 126.141 is hereby amended to read as follows:

126.141 1. On the basis of the information produced at the pretrial hearing, the judge, master or referee conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement must be made to the parties, which may include any of the following:

(a) That the action be dismissed with or without prejudice.

(b) That the matter be compromised by an agreement among the alleged father, the mother and the child, in which the father and child relationship is not determined but in which a defined economic obligation, fully secured by payment or otherwise, is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge, master or referee conducting the hearing. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the judge, master or referee conducting the hearing shall consider the best interest of the child, discounted by the improbability, as it appears to him, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on him.

(c) That the alleged father voluntarily acknowledge his paternity of the child.

2. If the parties accept a recommendation made in accordance with subsection 1, judgment may be entered accordingly.

3. If a party refuses to accept a recommendation made under subsection 1 and blood tests *or tests for genetic identification* have not been taken, the court shall require the parties to submit to blood tests [,] *or tests for genetic identification,* if practicable. Thereafter the judge, master or referee shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action must be set for trial.

4. The guardian ad litem may accept or refuse to accept a recommendation under this section.

5. The pretrial hearing may be terminated and the action set for trial if the judge, master or referee conducting the hearing finds unlikely that all parties would accept a recommendation he might make under subsection 1 or 3.".

Amend sec. 189, page 86, line 29, by deleting "tests the" and inserting: "tests *or tests for genetic identification,* the".

Amend the bill as a whole by adding a new section designated sec. 190.5, following sec. 190, to read as follows:

"Sec. 190.5. NRS 126.171 is hereby amended to read as follows:

126.171 The court may order reasonable fees of counsel, experts and the child's guardian ad litem, and other costs of the action and pretrial proceedings, including blood tests [,] *or tests for genetic identification,* to be paid by the parties in proportions and at times determined by the court. The court may order the proportion of any indigent party to be paid by the county. In no event may the state be assessed any costs when it is a party to an action to determine parentage.".

Amend sec. 213, page 90, by deleting lines 16 and 17 and inserting: "*determining parentage with the clerk of a district court of this state.*".

Amend sec. 222, page 91, by deleting lines 16 and 17 and inserting: "*a master or referee appointed pursuant to any of those sections, are the tribunals of this*".

Amend sec. 245, page 98, line 41, after "*change.*" by inserting: "*This presumption is subject to rebuttal.*".

Amend sec. 280, page 110, by deleting lines 42 and 43 and inserting:

"*(p) The welfare division of the department of human resources or its designated representative.*

(q) An agency of this or any other state or the".

Amend sec. 291, page 117, by deleting lines 18 through 20 and inserting:

"(b) Order of a district court, the state registrar, upon the receipt of the affidavit or court order, shall".

Amend the bill as a whole by adding a new section designated sec. 291.5, following sec. 291, to read as follows:

"Sec. 291.5. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the paternity of a child being established by the:

(a) Mother and father acknowledging paternity of a child by signing an affidavit for the voluntary acknowledgment of paternity developed by the board pursuant to section 286 of this act; or

(b) Order of a district court [,] *or a hearing officer appointed pursuant to section 51 of this act,*

the state registrar, upon the receipt of the affidavit or [court] order, shall prepare a new certificate of birth in the name of the child as shown in the affidavit or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The state registrar shall, upon the request of the welfare division of the department of human resources, open a file that has been sealed pursuant to subsection 3 to allow the division to compare the information contained in the affidavit or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.".

Amend sec. 307, page 123, by deleting lines 32 and 33 and inserting:

"Sec. 307. 1. Each employer shall, within the time prescribed in 42 U.S.C. § 653a,".

Amend sec. 309, page 124, by deleting lines 30 through 32 and inserting: "department of human resources [pursuant to subsection 3 of NRS 422.375] shall be deemed for the purposes of chapters 616A to 616D,".

Amend the bill as a whole by renumbering sections 310 through 314 as sections 316 through 320 and adding new sections designated sections 310 through 315, following sec. 309, to read as follows:

"Sec. 310. Section 72 of this act is hereby amended to read as follows:

Sec. 72. 1. The chief shall send a notice by first-class mail to each responsible parent who is in arrears in any payment for the support of one or more children required pursuant to an order enforced by a court in this state. The notice must include a statement of the amount of the arrearage and the information prescribed in subsection 2.

2. If the responsible parent does not satisfy the arrearage within 20 days after he receives the notice required by subsection 1, the chief may, to collect the arrearage owed:

(a) Require the responsible parent to pay monthly the amount he is required to pay pursuant to the order for support plus an additional amount to satisfy the arrearage; or

(b) Issue a notice of attachment to the financial institutions in which the assets of the responsible parent are held and attach and seize such assets as are necessary to satisfy the arrearage.

3. If the chief proceeds to collect an arrearage pursuant to subsection 2, he shall notify the responsible parent of that fact in writing. The notice must be sent by first-class mail.

4. The chief shall determine the amount of any additional payment required pursuant to paragraph (a) of subsection 2 based upon the amount of the arrearage owed by the responsible parent and his ability to pay.

5. A responsible parent against whom the division proceeds pursuant to subsection 2 may, within 20 days after he receives the notice required pursuant to subsection 3, submit to the chief a request for a hearing.

6. If a hearing is requested within the period prescribed in subsection 5, the hearing must be held pursuant to NRS 425.3832 *or section 60 of this act* within 20 days after the chief receives the request. The master *or hearing officer* shall notify the responsible parent of his recommendation or decision at the conclusion of the hearing or as soon thereafter as is practicable.

7. For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

Sec. 311. Section 75 of this act is hereby amended to read as follows:

Sec. 75. 1. After paternity is alleged pursuant to NRS 425.3826 [,] *or section 57 of this act,* and a written response denying paternity and requesting a hearing is received by the chief pursuant to paragraph (g) of

subsection 1 of NRS 425.3824 [,] *or paragraph (g) of subsection 1 of section 56 of this act,* the chief shall order blood tests or tests for the genetic identification of the child, mother and alleged father if the child, mother or alleged father submits to the chief a written statement signed and notarized which:

(a) Alleges paternity and sets forth facts establishing a reasonable possibility that the mother and the alleged father had sexual intercourse at or about the probable time of conception; or

(b) Denies paternity and sets forth facts establishing a reasonable possibility that the mother and the alleged father did not have sexual intercourse at or about the probable time of conception.

2. Except as otherwise provided in subsection 3, the division shall pay the costs of any tests conducted pursuant to this section. If [the] *:*

(a) The district court approves a recommendation establishing the paternity of a child pursuant to NRS 425.3844 [,] *; or*

(b) A hearing officer issues an order establishing the paternity of a child pursuant to sections 53 to 68, inclusive, of this act,

the father shall reimburse the division for the costs of those tests.

3. If the child, mother or alleged father contests the results of a test conducted pursuant to this section, the division shall order the parties to submit to additional testing upon the payment of the costs of the additional tests by the contesting party.

Sec. 312. Section 76 of this act is hereby amended to read as follows:

Sec. 76. An order entered by a district court approving a recommendation for the support of a dependent child made by a master , [or] an order entered by a district court pursuant to NRS 425.382 to 425.3852, inclusive, and section 52 of this act *or an order for the support of a dependent child issued by a hearing officer pursuant to sections 53 to 68, inclusive, of this act* must contain the social security numbers of the parents or legal guardians of the child.

Sec. 313. Section 213 of this act is hereby amended to read as follows:

Sec. 213. "Register" means to file a support order or judgment determining parentage with the clerk of a district court of this state [.] *or a hearing officer appointed pursuant to section 51 of this act.*

Sec. 314. Section 222 of this act is hereby amended to read as follows:

Sec. 222. The district court and, within the limitations of authority granted pursuant to NRS 3.405, 125.005 or 425.381 to 425.3852, inclusive, *and sections 50 to 68, inclusive, of this act,* a master , [or] referee *or hearing officer* appointed pursuant to any of those sections, are the tribunals of this state.

Sec. 315. Section 1 of Assembly Bill No. 34 of this session is hereby amended to read as follows:

Section 1. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, each county clerk shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer $56

On an appeal to the district court of any case from a justice's court or a municipal court, or on the transfer of any case from a justice's court or a municipal court 42

On the filing of a petition for letters testamentary, letters of administration, setting aside an estate without administration, or a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:

Where the stated value of the estate is more than [$1,000] *$2,500* 72

Where the stated value of the estate is [$1,000] *$2,500* or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner 44

On the filing of an objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any answer in an estate or guardianship matter 44

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by him or them 44

For filing a notice of appeal 24

For issuing a transcript of judgment and certifying thereto 3

For preparing any copy of any record, proceeding or paper, for each page 1

For each certificate of the clerk, under the seal of the court 3

For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for his certificate 5

For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity 15

For issuing any certificate under seal, not otherwise provided for 6

For searching records or files in his office, for each year 1

For filing and recording a bond of a notary public, per name 15

For entering the name of a firm or corporation in the register of the county clerk 15

2. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk.

3. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

4. No fee may be charged any attorney at law admitted to practice in this state for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or his attorney in any criminal case or in habeas corpus proceedings.

5. Each county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.".

Amend sec. 310, page 125, line 1, by deleting "425.3837,".

Amend sec. 310, page 125, between lines 2 and 3, by inserting:

"3. NRS 425.3837 is hereby repealed.".

Amend the bill as a whole by renumbering sec. 315 as sec. 322 and adding a new section designated sec. 321, following sec. 314, to read as follows:

"Sec. 321. The director of the department of human resources shall notify the legislative counsel immediately upon receiving notice from the Secretary of Health and Human Services or his designated representative that the provisions of chapter 425 of NRS, as amended by sections 45 to 49, inclusive, 52, 69, 70, 72 to 85, inclusive, 86, 87, 88, 89, 90, 91, 92 to 95, inclusive, 96 to 100, inclusive, and 103 of this act do not comply with the requirements set forth in 42 U.S.C. § 666(a)(2), and that the provisions of sections 50, 51, 53 to 68, inclusive, 71, 85.5, 88.5, 90.5, 91.5, 95.5, 183.5, 291.5 and 310 to 314, inclusive, of this act are necessary to comply with those requirements.".

Amend sec. 315, page 125, by deleting line 24 and inserting:

"Sec. 322. 1. This section and sections 112 and 315 of this act become effective upon passage and approval or on June 30, 1997, whichever occurs earlier.

2. Sections 1 to 6, inclusive, 10 to 15, inclusive, 26 to 43, inclusive, 102, 105.5, 106, 107, 113, 114, 283, 284, 308, 309, 317, 320 and 321 of this act, and subsection 1 of section 316 of this act, become effective upon passage and".

Amend sec. 315, page 125, line 26, by deleting "2." and inserting "3.".

Amend sec. 315, page 125, line 28, by deleting: "sections 1 to 314, inclusive," and inserting: "the remaining provisions".

Amend sec. 315, pages 125 and 126, by deleting lines 31 through 43 on page 125 and lines 1 through 7 on page 126, and inserting:

"(a) Sections 44 to 49, inclusive, 52, 69, 70, 72 to 85, inclusive, 86, 87, 88, 89, 90, 91, 92 to 95, inclusive, 96 to 100, inclusive, 104, 105, 108 to 111, inclusive, 115 to 183, inclusive, 184 to 282, inclusive, 285 to 291, inclusive, 292 to 296, inclusive, 318 and 319 of this act, and subsection 2 of section 316 of this act, become effective:

(1) On July 1, 1997, if the 69th session of the legislature adjourns sine die before that date; or

(2) On October 1, 1997, if the 69th session of the legislature adjourns sine die on or after July 1, 1997.

(b) Section 103 of this act becomes effective:

(1) At 12:01 a.m. on July 1, 1997, if the 69th session of the legislature adjourns sine die before that date; or

(2) On October 1, 1997, if the 69th session of the legislature adjourns sine die on or after July 1, 1997.

(c) Sections 298 to 307, inclusive, of this act become effective on October 1, 1997.

(d) Sections 50, 51, 53 to 68, inclusive, 71, 85.5, 88.5, 90.5, 91.5, 95.5, 101, 183.5, 291.5, 297 and 310 to 314, inclusive, of this act, and subsection 3 of section 316 of this act, become effective:

(1) At 12:01 a.m. on October 1, 1997; or

(2) On the date the director of the department of human resources is notified by the Secretary of Health and Human Services or his designated representative that the provisions of chapter 425 of NRS, as amended by sections 45 to 49, inclusive, 52, 69, 70, 72 to 85, inclusive, 86, 87, 88, 89, 90, 91, 92 to 95, inclusive, 96 to 100, inclusive, and 103 of this act do not comply with the requirements set forth in 42 U.S.C. § 666(a)(2), and that the provisions of sections 50, 51, 53 to 68, inclusive, 71, 85.5, 88.5, 90.5, 91.5, 95.5, 183.5, 291.5 and 310 to 314, inclusive, of this act are necessary to comply with those requirements,

whichever occurs later.

(e) Sections 7, 8, 9 and 16 to 25, inclusive, of this act become effective on January 1, 1998.".

Amend the title of the bill, twelfth line, after "Act;" by inserting: "providing procedures for the protection of confidential information relating to persons who apply for or receive medical or financial assistance from counties;".

Assemblyman Anderson moved that Assembly Bill No. 401 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assembly Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 425.

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

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

1. An agency which provides protective services and the division of child and family services may request the division of parole and probation of the department of motor vehicles and public safety for information concerning a probationer or parolee that may assist the agency or the division of child and family services in carrying out the provisions of this chapter. The division of parole and probation shall provide such information upon request.

2. The agency which provides protective services or the division of child and family services may use the information obtained pursuant to subsection 1 only for the limited purpose of carrying out the provisions of this chapter.".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. NRS 213.1075 is hereby amended to read as follows:

213.1075 Except as otherwise provided [in NRS 213.1085,] *by specific statute,* all information obtained in the discharge of official duty by a parole and probation officer or employee of the board is privileged and may not be disclosed directly or indirectly to anyone other than the board, the judge, district attorney or others entitled to receive such information, unless otherwise ordered by the board or judge or necessary to perform the duties of the division.".

Amend the title of the bill, first line, after "children;" by inserting: "authorizing certain entities that protect children to obtain information concerning a person on parole or probation for certain purposes;".

Amend the summary of the bill to read as follows: "Summary—Authorizes release of confidential data or information concerning protection of child. (BDR 38-1279)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 454.

Amend section 1, page 1, by deleting lines 7 through 11 and inserting:

"*(b) Has received a degree from an accredited dental school or college; and*".

Amend section 1, page 2, line 1, after "*contract* " by inserting: "*with a facility*".

Amend section 1, page 2, by deleting lines 8 and 9 and inserting:

"*3. A person to whom a restricted license is issued pursuant to subsection 1:*

(a) May perform dental services only:

(1) Under the general supervision of a dentist licensed in this state; and

(2) In accordance with the contract required pursuant to paragraph (c) of that subsection.

(b) Shall not, for the duration of the restricted license, engage in the private practice of dentistry.".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 428.

Amend section 1, page 1, line 12, after "*than a*" by inserting "*simple*".

Assemblywoman Braunlin moved the adoption of the amendment.

Remarks by Assemblywoman Braunlin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 227.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 401 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committees on Health and Human Services and Judiciary:

Amendment No. 353.

Amend sec. 9, page 4, by deleting lines 2 through 10 and inserting: "*recipient who has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.*

2. If the head of a household that is receiving benefits pursuant to the program to provide temporary assistance for needy families:

(a) Has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age; and

(b) Does not comply with the provisions of NRS 392.040 with respect to that child,

the division shall require the head of the household to review with the division the personal responsibility plan signed by him pursuant to section 17 of this act and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040.".

Amend sec. 16, page 4, line 38, by deleting "*care*" and inserting: "*care, treatment for the abuse of alcohol or drugs*".

Amend sec. 17, page 5, line 13, by deleting "*may*" and inserting: "*may, with the participation of the head of the household,*".

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

"Sec. 18.5. *Within 45 days after an applicant for benefits submits his application to the division, the division shall:*

1. Approve the application and begin providing benefits to the applicant; or

2. Deny benefits to the applicant.".

Amend sec. 19, page 5, line 44, by deleting "*or*".

Amend sec. 19, page 5, after line 44, by inserting:

"*(6) Is a person who is 60 years of age or older and is the caretaker of a child who is not a relative of that person; or*".

Amend sec. 19, page 6, line 1, by deleting "*(6)*" and inserting "*(7)*".

Amend sec. 20, page 6, line 10, after "*household* " by inserting: "*who is not suffering from a hardship described in subsection 7 of section 23 of this act* ".

Amend sec. 21, page 6, line 31, by deleting: "*is not ineligible*" and inserting: "*may be determined to be eligible*".

Amend sec. 22, page 7, by deleting lines 14 and 15 and inserting: "*reduction required by subparagraph (1), reduce for 1 month the total amount of benefits provided to the household by two-thirds or by an amount equal to the total amount of the benefits provided to the household divided by the number of members of the household, whichever is greater; and* ".

Amend sec. 22, page 7, by deleting lines 30 and 31 and inserting: "*reduction required by subparagraph (1), reduce for 1 month the total amount of benefits provided to the household by two-thirds or by an amount equal to the total amount of the benefits provided to the household divided by the number of members of the household, whichever is greater; and*".

Amend sec. 22, page 8, by deleting lines 2 and 3 and inserting: "*reduction required by subparagraph (1), reduce for 1 month the total amount of benefits provided to the household by two-thirds or by an amount equal to the total amount of the benefits provided to the household divided by the number of members of the household, whichever is greater; and*".

Amend sec. 23, page 9, line 20, by deleting "*or*".

Amend sec. 23, page 9, line 21, after "*(f)*" by inserting: "*Is a person who is 60 years of age or older and is the caretaker of a child who is not a relative of that person; or*

(g)".

Amend sec. 24, page 9, by deleting line 30 and inserting "*consecutive months.*".

Amend sec. 26, page 10, line 4, by deleting "*section 3*" and inserting: "*sections 3 and 4*".

Amend the bill as a whole by deleting sec. 27 and inserting:

"Sec. 27. (Deleted by amendment.)".

Amend sec. 28, page 10, by deleting line 13 and inserting:

"2. [Aid to families with dependent children;] *Temporary assistance for needy families;*".

Amend the bill as a whole by deleting sec. 29 and inserting:

"Sec. 29. (Deleted by amendment.)".

Amend sec. 36, page 13, line 35, by deleting "*, and* " and inserting: "*, sections 6 to 25, inclusive, of this act and*".

Amend sec. 37, page 14, by deleting line 10 and inserting:

"(b) [Aid to families with dependent children;] *Temporary assistance for needy families;*".

Amend sec. 37, page 14, by deleting line 29 and inserting: "inclusive [.] , *and sections 6 to 25, inclusive, of this act.*".

Amend the bill as a whole by deleting sec. 38 and inserting:

"Sec. 38. (Deleted by amendment.)".

Amend sec. 40, page 17, by deleting lines 20 through 23 and inserting: "*this section if the request for the hearing is based solely upon the provisions of a federal law or a law of this state that requires an automatic adjustment to the amount of public assistance that may be received by an applicant or recipient.*".

Amend sec. 50, page 19, line 30, by deleting "*an application*" and inserting "*a request* ".

Amend sec. 53, page 20, line 6, by deleting "*A*" and inserting: "*Except as otherwise provided in subsection 3, a*".

Amend sec. 53, page 20, between lines 36 and 37, by inserting:

"*3. A hearing officer appointed pursuant to section 51 of this act may not modify or adjust a judicial order.*".

Amend sec. 55, page 21, line 11, by deleting "*an application*" and inserting "*a request* ".

Amend sec. 58, page 22, by deleting line 44.

Amend sec. 58, page 23, line 1, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 58, page 23, line 2, by deleting "*(e)*" and inserting "*(d)*".

Amend sec. 58, page 23, line 4, by deleting "*(f)*" and inserting "*(e)*".

Amend sec. 58, page 23, line 8, by deleting "*(g)*" and inserting "*(f)*".

Amend sec. 58, page 23, line 10, by deleting "*(h)*" and inserting "*(g)*".

Amend sec. 58, page 23, line 13, by deleting "*(i)*" and inserting "*(h)*".

Amend sec. 58, page 23, by deleting line 16 and inserting:

"*(i) A statement that a petition for review of the order may be filed with the district* ".

Amend sec. 61, page 25, line 29, by deleting "*appeal* " and inserting: "*petition for review*".

Amend sec. 62, page 26, by deleting line 18 and inserting:

"*(i) A reference to NRS 425.381 to 425.3852, inclusive, and sections 50 to 68, inclusive, of this act.*".

Amend sec. 62, page 26, by deleting line 34.

Amend sec. 62, page 26, line 35, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 62, page 26, line 36, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 62, page 26, line 38, by deleting "*(e)*" and inserting "*(d)*".

Amend sec. 62, page 26, line 42, by deleting "*(f)*" and inserting "*(e)*".

Amend sec. 64, page 27, between lines 31 and 32, by inserting:

"*The division shall pay the costs of any tests conducted pursuant to this section. If the hearing officer issues an order establishing the paternity of a child pursuant to sections 53 to 68, inclusive, of this act, the father shall reimburse the division for the costs of those tests.*".

Amend sec. 64, page 28, line 10, by deleting "*tests the*" and inserting: "*tests or tests for genetic identification, the*".

Amend sec. 65, page 28, line 19, by deleting "*90*" and inserting "*20*".

Amend sec. 65, page 28, line 20, by deleting "*on*" and inserting: "*in accordance with the provisions of section 65.5 of this act.*".

Amend sec. 65, page 28, by deleting line 21.

Amend sec. 65, page 28, line 22, by deleting: "*notice of appeal* " and inserting: "*petition for review*".

Amend sec. 65, page 28, line 24, by deleting "*notice,*" and inserting "*petition,*".

Amend sec. 65, page 28, line 28, by deleting "*appeal* " and inserting "*review*".

Amend the bill as a whole by adding a new section designated sec. 65.5, following sec. 65, to read as follows:

"Sec. 65.5. *1. Before the date set by the district court for a hearing to review the final decision of a hearing officer, an application may be made to the district court by motion, with notice to the opposing party and an opportunity for that party to respond, for leave to present additional evidence. If it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the hearing officer, the court may order that the additional evidence be taken before the hearing officer upon conditions determined by the court. The hearing officer may modify his findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.*

2. The review must be conducted by the district court without a jury and must be confined to the record. In cases of alleged irregularities in procedure before the hearing officer, not shown in the record, proof thereon may be taken in the court. The court, at the request of either party, shall hear oral argument and receive written briefs.

3. The district court shall not substitute its judgment for that of the hearing officer as to the weight of the evidence on questions of fact. The court may affirm the decision of the hearing officer or remand the case for further proceedings. The court may reverse the decision and remand the case to the hearing officer for further proceedings if substantial rights of the appellant have been prejudiced because the findings, inferences, conclusions or decisions of the hearing officer:

(a) Violate constitutional, regulatory or statutory provisions;

(b) Exceed the statutory authority of the hearing officer;

(c) Are made upon unlawful procedure;

(d) Are affected by other error of law;

(e) Are clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Are arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

4. An aggrieved party may obtain review of any final judgment of the district court by appeal to the supreme court. The appeal must be taken in the manner provided for civil cases.".

Amend sec. 68, page 28, line 39, by deleting "*The*" and inserting: "*1. Except as otherwise provided in subsection 2, the*".

Amend sec. 68, page 28, between lines 41 and 42, by inserting:

"*2. To the extent they are not inconsistent with the provisions of this chapter, the provisions of NRS 126.051, 126.081, 126.121, 126.131 and*

126.171 apply to a proceeding to determine paternity conducted by a hearing officer pursuant to sections 53 to 68, inclusive, of this act.".

Amend sec. 72, page 32, line 22, by deleting: "*or section 60 of this act*".

Amend sec. 72, page 32, lines 23 and 24, by deleting: "*or hearing officer*".

Amend sec. 74, page 33, by deleting lines 14 and 15 and inserting "*companies; and*".

Amend sec. 74, page 33, by deleting lines 18 through 20 and inserting: "*assets, liabilities and any other details of the finances of a person.*".

Amend sec. 75, page 33, by deleting lines 31 through 35 and inserting:

"Sec. 75. *1. After paternity is alleged pursuant to NRS 425.3826, and a written response denying paternity and requesting a hearing is received by the chief pursuant to paragraph (g) of subsection 1 of NRS 425.3824, the chief shall order blood tests or tests for the genetic*".

Amend sec. 75, page 34, by deleting lines 1 through 7 and inserting:

"*2. Except as otherwise provided in subsection 3, the division shall pay the costs of any tests conducted pursuant to this section. If the district court approves a recommendation establishing the paternity of a child pursuant to NRS 425.3844, the father shall reimburse the division for the costs of those tests.*".

Amend sec. 76, page 34, line 13, by deleting "*master,*" and inserting "*master or*".

Amend sec. 76, page 34, by deleting lines 15 through 17 and inserting: "*inclusive, and section 52 of this act must contain the social security numbers of the parents*".

Amend sec. 82, page 35, by deleting line 9 and inserting: "this chapter, the provisions of chapter 31A, 125B and [130] *126* of".

Amend sec. 85, page 36, by deleting line 16 and inserting: "NRS 425.3822 within 90 days after".

Amend sec. 85, page 36, by deleting line 27 and inserting: "prosecuting attorney, may also [represent the recipient] *collect payments of support* when the amount of".

Amend the bill as a whole by adding a new section designated sec. 85.5, following sec. 85, to read as follows:

"Sec. 85.5. NRS 425.350 is hereby amended to read as follows:

425.350 1. A parent has duties to support his children which include any duty arising by law or under a court order.

2. If a court order specifically provides that no support for a child is due, the order applies only to those facts upon which the decision was based.

3. By accepting assistance in his own behalf or in behalf of any other person, the applicant or recipient shall be deemed to have made an assignment to the division of all rights to support from any other person which the applicant or recipient may have in his own behalf or in behalf of any other member of the family for whom the applicant or recipient is

applying for or receiving assistance. Rights to support include, but are not limited to, accrued but unpaid payments for support and payments for support to accrue during the period for which assistance is provided. The amount of the assigned rights to support must not exceed the amount of public assistance provided or to be provided. If a court order exists for the support of a child on whose behalf public assistance is received, the division shall attempt to notify a located responsible parent as soon as possible after assistance begins that the child is receiving public assistance. If there is no court order for support, the division shall with service of process serve notice on the responsible parent in the manner prescribed in subsection 2 of NRS 425.3822 *or subsection 2 of section 55 of this act* within 90 days after the date on which the responsible parent is located.

4. The recipient shall be deemed, without the necessity of signing any document, to have appointed the administrator as his attorney in fact with power of substitution to act in his name and to endorse all drafts, checks, money orders or other negotiable instruments representing payments for support which are received as reimbursement for the public assistance previously paid to or on behalf of each recipient.

5. The rights of support assigned under subsection 3 constitute a debt for support owed to the division by the responsible parent. The debt for support is enforceable by any remedy provided by law. The division, through the prosecuting attorney, may also collect payments of support when the amount of the rights of support exceeds the amount of the debt for support.

6. The assignment provided for in subsection 3 is binding upon the responsible parent upon service of notice of the assignment. After notification, payments by the responsible parent to anyone other than the division must not be credited toward the satisfaction of the debt for support. Service of notice is complete upon:

(a) The mailing, by first-class mail, of the notice to the responsible parent at his last known address;

(b) Service of the notice in the manner provided for service of civil process; or

(c) Actual notice.".

Amend sec. 86, page 37, line 2, by deleting: "*upon application and* ".

Amend sec. 88, pages 37 and 38, by deleting lines 17 through 44 on page 37 and lines 1 through 22 on page 38, and inserting:

"425.382 1. [The] *Except as otherwise provided in section 47 of this act, the* chief may proceed pursuant to NRS [425.382] *425.3822* to 425.3852, inclusive, *and section 52 of this act* after:

(a) Payment of public assistance by the division [.] *; or*

(b) Receipt of [an application] *a request* for services [for enforcement pursuant to NRS 125B.150 by a person who is not receiving public assistance.

(c) Receipt of a written request for enforcement of an obligation for support of a dependent child from an agency of another state responsible for administering the Federal Child Support Enforcement Program Act (42 U.S.C. §§ 651 et seq.).] *to carry out the program.*

2. Subject to approval by the district court, [the] *a* master may:

(a) [Establish, modify and terminate an amount of support for a dependent child;

(b)] *Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of section 237 of this act.*

(b) Except as otherwise provided in chapter 130 of NRS and section 47 of this act:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

(2) Require coverage for health care of a dependent child;

[(c)] *(3)* Establish paternity; [and

(d) Collect support for a dependent child.

3. The administrator may, pursuant to NRS 422.238, adopt such regulations and take such actions as necessary to carry out the provisions of NRS 425.382 to 425.3852, inclusive.]

(4) Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

(5) Order the withholding of income;

(6) Determine the amount of any arrearages and specify a method of payment;

(7) Enforce orders by civil or criminal contempt, or both;

(8) Set aside property for satisfaction of an order for the support of a dependent child;

(9) Place liens and order execution on the property of the responsible parent;

(10) Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

(11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

(12) Order the responsible parent to seek appropriate employment by specified methods;

(13) Upon the request of the division, require a responsible parent to:

(I) Pay any support owed in accordance with a plan approved by the division; or

(II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the division deems appropriate;

(14) Award reasonable attorney's fees and other fees and costs; and

(15) Grant any other available remedy.".

Amend the bill as a whole by adding a new section designated sec. 88.5, following sec. 88, to read as follows:

"Sec. 88.5. NRS 425.382 is hereby amended to read as follows:

425.382 [1. Except as otherwise provided in section 47 of this act, the chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, and section 52 of this act after:

(a) Payment of public assistance by the division; or

(b) Receipt of a request for services to carry out the program.

2.] Subject to approval by the district court, a master may:

[(a)] *1.* Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of section 237 of this act.

[(b)] *2.* Except as otherwise provided in chapter 130 of NRS and section 47 of this act:

[(1)] *(a)* Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

[(2)] *(b)* Require coverage for health care of a dependent child;

[(3)] *(c)* Establish paternity;

[(4)] *(d)* Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

[(5)] *(e)* Order the withholding of income;

[(6)] *(f)* Determine the amount of any arrearages and specify a method of payment;

[(7)] *(g)* Enforce orders by civil or criminal contempt, or both;

[(8)] *(h)* Set aside property for satisfaction of an order for the support of a dependent child;

[(9)] *(i)* Place liens and order execution on the property of the responsible parent;

[(10)] *(j)* Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

[(11)] *(k)* Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

[(12)] *(l)* Order the responsible parent to seek appropriate employment by specified methods;

[(13)] *(m)* Upon the request of the division, require a responsible parent to:

[(I)] *(1)* Pay any support owed in accordance with a plan approved by the division; or

[(II)] *(2)* Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the division deems appropriate;

[(14)] *(n)* Award reasonable attorney's fees and other fees and costs; and

[(15)] *(o)* Grant any other available remedy.".

Amend sec. 89, page 38, by deleting lines 30 and 31 and inserting:

"[(c) The program receives an application] *or*

(b) Receives a request for services [for enforcement pursuant to NRS".

Amend sec. 90, page 39, line 12, by deleting "*paragraph (m)*" and inserting: "*subparagraph (13) of paragraph (b)*".

Amend sec. 90, page 39, by deleting lines 32 and 33 and inserting:

"(j) A reference to NRS 425.382 to 425.3852, inclusive [.] , *and section 52 of this act.*".

Amend the bill as a whole by adding a new section designated sec. 90.5, following sec. 90, to read as follows:

"Sec. 90.5. NRS 425.3824 is hereby amended to read as follows:

425.3824 1. The notice and finding of financial responsibility issued pursuant to NRS 425.3822 must include:

(a) The name of the person who has physical custody of the dependent child and the name of the child for whom support is to be paid.

(b) A statement of the monthly support for which the parent is responsible.

(c) A statement of the amount of arrearages sought, if any.

(d) A statement that the parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(e) A statement of any requirements the division will request pursuant to [subparagraph (13) of paragraph (b)] *paragraph (m)* of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(f) A statement that if the parent desires to discuss the amount of support or coverage for health care that the parent should be required to pay or provide, the parent may contact the office that sent the notice within 20 days after the date of receipt of service and request a conference for negotiation.

(g) A statement that if the parent objects to any part of the notice and finding of financial responsibility, the parent must send to the office that issued the notice a written response within 20 days after the date of receipt of service that sets forth any objections and requests a hearing.

(h) A statement that if a response is received within the specified period, the parent is entitled to a hearing and that if a written response is not received within the specified period, the master may enter a recommendation for support of a dependent child in accordance with the notice and finding of financial responsibility.

(i) A statement that as soon as the recommendation is entered and approved by the court, the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(j) A reference to NRS [425.382] *425.381* to 425.3852, inclusive, and [section 52] *sections 50 to 68, inclusive,* of this act.

(k) A statement that the parent is responsible for notifying the office of any change of address or employment.

(l) A statement that if the parent has any questions, the parent may contact the office or consult an attorney.

(m) Such other information as the chief finds appropriate.

2. The statement of the monthly support required pursuant to paragraph (b) of subsection 1 must be computed in accordance with NRS 125B.070.

3. After a conference for negotiation is held pursuant to paragraph (f) of subsection 1, if an agreement is not reached on the monthly support to be paid or the coverage to be provided, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail at his last known address or to the last known address of his attorney.".

Amend sec. 91, page 40, line 18, by inserting an open bracket before "The".

Amend sec. 91, page 40, line 19, by inserting a closed bracket after "(d)".

Amend sec. 91, page 40, line 20, by deleting "(e)" and inserting "[(e)] *(d)*".

Amend sec. 91, page 40, by deleting line 22 and inserting:

"[(f)] *(e) Any requirements to be imposed pursuant to subparagraph (13) of paragraph (b) of*".

Amend sec. 91, page 40, line 25, by deleting "*(g)*" and inserting "*(f)*".

Amend sec. 91, page 40, line 27, by deleting "*(h)*" and inserting "*(g)*".

Amend sec. 91, page 40, line 30, by deleting "*(i)*" and inserting "*(h)*".

Amend sec. 91, page 40, line 33, by deleting "*(j)*" and inserting "*(i)*".

Amend the bill as a whole by adding a new section designated sec. 91.5, following sec. 91, to read as follows:

"Sec. 91.5. NRS 425.3828 is hereby amended to read as follows:

425.3828 1. If a written response setting forth objections and requesting a hearing is received by the office issuing the notice and finding of financial responsibility within the specified period, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail.

2. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall include in that recommendation:

(a) If the paternity of the dependent child is established by the recommendation, a declaration of that fact.

(b) The amount of monthly support to be paid, including directions concerning the manner of payment.

(c) The amount of arrearages owed.

(d) Whether coverage for health care must be provided for the dependent child.

(e) Any requirements to be imposed pursuant to [subparagraph (13) of paragraph (b)] *paragraph (m)* of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(f) The names and social security numbers of the parents or legal guardians of the child.

(g) The name and social security number of the person to whom, and the name and date of birth of the dependent child for whom support is to be paid.

(h) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(i) A statement that objections to the recommendation may be filed with the district court and served upon the other party within 10 days after receipt of the recommendation.

3. The parent must be sent a copy of the recommendation for the support of a dependent child by regular mail addressed to the last known address of the parent, or if applicable, the last known address of the attorney for the parent.

4. The recommendation for the support of a dependent child is final upon approval by the district court pursuant to NRS 425.3844. The chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, and the master enters a recommendation for the support of a dependent child, the court may grant relief from the recommendation on the grounds set forth in paragraph (b) of Rule 60 of the Nevada Rules of Civil Procedure.".

Amend sec. 95, page 44, line 15, by deleting "*paragraph (m)*" and inserting: "*subparagraph (13) of paragraph (b)*".

Amend sec. 95, page 45, line 3, by inserting an open bracket before "The".

Amend sec. 95, page 45, line 4, by inserting a closed bracket after "(c)".

Amend sec. 95, page 45, line 5, by deleting "(d)" and inserting "[(d)] *(c)*".

Amend sec. 95, page 45, by deleting line 7 and inserting:

"[(e)] *(d) Any requirements to be imposed pursuant to subparagraph (13) of paragraph (b) of*".

Amend sec. 95, page 45, line 10, by deleting "*(f)*" and inserting "*(e)*".

Amend the bill as a whole by adding a new section designated sec. 95.5, following sec. 95, to read as follows:

"Sec. 95.5. NRS 425.3836 is hereby amended to read as follows:

425.3836 1. After the issuance of an order for the support of a dependent child by a court, the chief may issue a notice of intent to enforce the order. The notice must be served upon the responsible parent in the manner prescribed for service of summons in a civil action or mailed to the responsible parent by certified mail, restricted delivery, with return receipt requested.

2. The notice must include:

(a) The names of the person to whom support is to be paid and the dependent child for whom support is to be paid.

(b) The amount of monthly support the responsible parent is required to pay by the order for support.

(c) A statement of the arrearages owed pursuant to the order for support.

(d) A demand that the responsible parent make full payment to the enforcing authority within 14 days after the receipt or service of the notice.

(e) A statement that the responsible parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(f) A statement of any requirements the division will request pursuant to [subparagraph (13) of paragraph (b)] *paragraph (m)* of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the responsible parent or the participation of the responsible parent in work activities.

(g) A statement that if the responsible parent objects to any part of the notice of intent to enforce the order, he must send to the office that issued the notice a written response within 14 days after the date of receipt of service that sets forth any objections and includes a request for a hearing.

(h) A statement that if full payment is not received within 14 days or a hearing has not been requested in the manner provided in paragraph (g), the chief is entitled to enforce the order and that the property of the responsible parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(i) A reference to NRS [425.382] *425.381* to 425.3852, inclusive, and [section 52] *sections 50 to 58, inclusive,* of this act.

(j) A statement that the responsible parent is responsible for notifying the office of any change of address or employment.

(k) A statement that if the responsible parent has any questions, he may contact the appropriate office or consult an attorney.

(l) Such other information as the chief finds appropriate.

3. If a written response setting forth objections and requesting a hearing is received within the specified period by the office issuing the notice of intent to enforce the order, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the responsible parent by regular mail. If a written response and request for hearing is not received within the specified period by the office issuing the notice, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall include in that recommendation:

(a) The amount of monthly support to be enforced, including directions concerning the manner of payment.

(b) The amount of arrearages owed and the manner of payment.

(c) Whether coverage for health care must be provided for the dependent child.

(d) Any requirements to be imposed pursuant to [subparagraph (13) of paragraph (b)] *paragraph (m)* of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(e) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, the withholding of wages, garnishment, liens and execution on liens.

4. After the district court approves the recommendation for the support of a dependent child, the recommendation is final. The chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. This section does not prevent the chief from using other available remedies for the enforcement of an obligation for the support of a dependent child at any time.

6. The master may hold a hearing to enforce a recommendation for the support of a dependent child after the recommendation has been entered and approved by the district court. The master may enter a finding that the parent has not complied with the order of the court and may recommend to the district court that the parent be held in contempt of court. The finding and recommendation is effective upon review and approval of the district court.".

Amend sec. 97, page 46, between lines 13 and 14, by inserting: "*The division shall pay the costs of any tests conducted pursuant to this section. If the district court approves a recommendation establishing the paternity of a child pursuant to NRS 425.3844, the father shall reimburse the division for the costs of those tests.*".

Amend sec. 100, page 48, line 15, by deleting: "plaintiff or petitioner" and inserting: "[plaintiff or petitioner] *interests of the public*".

Amend sec. 105, page 51, line 25, after "seq.)." by inserting: "*Except as otherwise required by federal law or as a condition to the receipt of federal money, any money recovered by the enforcing authority for the payment of arrearages in the support of a child must be distributed to the custodial parent to satisfy any right to those arrearages retained by the custodial parent before any of that money may be distributed in satisfaction of any right to those arrearages assigned to the division.*".

Amend the bill as a whole by adding a new section designated sec. 105.5, following sec. 105, to read as follows:

"Sec. 105.5. Chapter 428 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To restrict the use or disclosure of any information concerning applicants for or recipients of public assistance to those purposes directly related to the administration of this chapter, and to provide safeguards therefor, the board of county commissioners of each county shall establish and enforce ordinances governing the custody, use and preservation of the records, files and communications related to those persons that are filed with the board.

2. If, under the provisions of law or the ordinances of a board of county commissioners adopted pursuant to subsection 1, the names and addresses of, or information concerning, applicants for or recipients of public assistance are furnished to or held by any other agency or department of government, the agency or department shall comply with the ordinances of the board of county commissioners prohibiting the publication of lists and records thereof or their use for purposes not directly connected with the administration of this chapter.

3. Except for purposes directly related to the administration of this chapter, no person may publish, disclose or use, or permit or cause to be published, disclosed or used, any confidential information relating to an applicant for or a recipient of public assistance under the provisions of this chapter.

4. As used in this section, "public assistance" means medical or financial assistance provided by a county pursuant to this chapter.".

Amend sec. 151, page 69, line 3, after "*license.*" by inserting: "*If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.*".

Amend sec. 163, page 73, by deleting lines 20 through 25 and inserting:

"*2. In addition to any other method authorized by law for obtaining jurisdiction over a person inside or outside of this state, personal jurisdiction may be acquired anywhere within the territorial limits of this state by service of process in any manner prescribed by the Nevada Rules of Civil Procedure.*".

Amend sec. 173, page 79, line 2, after "adjusted." by inserting: "*Each review conducted pursuant to this section must be in response to a separate request.*".

Amend the bill as a whole by deleting sec. 174 and inserting:

"Sec. 174. (Deleted by amendment.)".

Amend sec. 183, page 83, by deleting lines 24 and 25 and inserting: "[130.245] *425.382 to 425.3852, inclusive, and section 52 of this act, section 274 of this act* or NRS 201.025.".

Amend the bill as a whole by adding a new section designated sec. 183.5, following sec. 183, to read as follows:

"Sec. 183.5. NRS 126.041 is hereby amended to read as follows:

126.041 The parent and child relationship between a child and:

1. The natural mother may be established by proof of her having given birth to the child, or under this chapter, section 274 of this act or NRS 201.025.

2. The natural father may be established under this chapter, NRS [425.382] *425.381* to 425.3852, inclusive, and [section 52] *sections 50 to 68, inclusive,* of this act, section 274 of this act or NRS 201.025.

3. An adoptive parent may be established by proof of adoption.".

Amend the bill as a whole by adding a new section designated sec. 188.5, following sec. 188, to read as follows:

"Sec. 188.5. NRS 126.141 is hereby amended to read as follows:

126.141 1. On the basis of the information produced at the pretrial hearing, the judge, master or referee conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement must be made to the parties, which may include any of the following:

(a) That the action be dismissed with or without prejudice.

(b) That the matter be compromised by an agreement among the alleged father, the mother and the child, in which the father and child relationship is not determined but in which a defined economic obligation, fully secured by payment or otherwise, is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge, master or referee conducting the hearing. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the judge, master or referee conducting the hearing shall consider the best interest of the child, discounted by the improbability, as it appears to him, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse

on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on him.

(c) That the alleged father voluntarily acknowledge his paternity of the child.

2. If the parties accept a recommendation made in accordance with subsection 1, judgment may be entered accordingly.

3. If a party refuses to accept a recommendation made under subsection 1 and blood tests *or tests for genetic identification* have not been taken, the court shall require the parties to submit to blood tests [,] *or tests for genetic identification,* if practicable. Thereafter the judge, master or referee shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action must be set for trial.

4. The guardian ad litem may accept or refuse to accept a recommendation under this section.

5. The pretrial hearing may be terminated and the action set for trial if the judge, master or referee conducting the hearing finds unlikely that all parties would accept a recommendation he might make under subsection 1 or 3.".

Amend sec. 189, page 86, line 29, by deleting "tests the" and inserting: "tests *or tests for genetic identification,* the".

Amend the bill as a whole by adding a new section designated sec. 190.5, following sec. 190, to read as follows:

"Sec. 190.5. NRS 126.171 is hereby amended to read as follows:

126.171 The court may order reasonable fees of counsel, experts and the child's guardian ad litem, and other costs of the action and pretrial proceedings, including blood tests [,] *or tests for genetic identification,* to be paid by the parties in proportions and at times determined by the court. The court may order the proportion of any indigent party to be paid by the county. In no event may the state be assessed any costs when it is a party to an action to determine parentage.".

Amend sec. 213, page 90, by deleting lines 16 and 17 and inserting: "*determining parentage with the clerk of a district court of this state.*".

Amend sec. 222, page 91, by deleting lines 16 and 17 and inserting: "*a master or referee appointed pursuant to any of those sections, are the tribunals of this*".

Amend sec. 245, page 98, line 41, after "*change.*" by inserting: "*This presumption is subject to rebuttal.*".

Amend sec. 280, page 110, by deleting lines 42 and 43 and inserting:

"*(p) The welfare division of the department of human resources or its designated representative.*

(q) An agency of this or any other state or the".

Amend sec. 291, page 117, by deleting lines 18 through 20 and inserting:

"(b) Order of a district court, the state registrar, upon the receipt of the affidavit or court order, shall".

Amend the bill as a whole by adding a new section designated sec. 291.5, following sec. 291, to read as follows:

"Sec. 291.5. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the paternity of a child being established by the:

(a) Mother and father acknowledging paternity of a child by signing an affidavit for the voluntary acknowledgment of paternity developed by the board pursuant to section 286 of this act; or

(b) Order of a district court [,] *or a hearing officer appointed pursuant to section 51 of this act,*

the state registrar, upon the receipt of the affidavit or [court] order, shall prepare a new certificate of birth in the name of the child as shown in the affidavit or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The state registrar shall, upon the request of the welfare division of the department of human resources, open a file that has been sealed pursuant to subsection 3 to allow the division to compare the information contained in the affidavit or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.".

Amend sec. 307, page 123, by deleting lines 32 and 33 and inserting:

"Sec. 307. 1. Each employer shall, within the time prescribed in 42 U.S.C. § 653a,".

Amend sec. 309, page 124, by deleting lines 30 through 32 and inserting: "department of human resources [pursuant to subsection 3 of NRS 422.375] shall be deemed for the purposes of chapters 616A to 616D,".

Amend the bill as a whole by renumbering sections 310 through 314 as sections 316 through 320 and adding new sections designated sections 310 through 315, following sec. 309, to read as follows:

"Sec. 310. Section 72 of this act is hereby amended to read as follows:

Sec. 72. 1. The chief shall send a notice by first-class mail to each responsible parent who is in arrears in any payment for the support of one or more children required pursuant to an order enforced by a

court in this state. The notice must include a statement of the amount of the arrearage and the information prescribed in subsection 2.

2. If the responsible parent does not satisfy the arrearage within 20 days after he receives the notice required by subsection 1, the chief may, to collect the arrearage owed:

(a) Require the responsible parent to pay monthly the amount he is required to pay pursuant to the order for support plus an additional amount to satisfy the arrearage; or

(b) Issue a notice of attachment to the financial institutions in which the assets of the responsible parent are held and attach and seize such assets as are necessary to satisfy the arrearage.

3. If the chief proceeds to collect an arrearage pursuant to subsection 2, he shall notify the responsible parent of that fact in writing. The notice must be sent by first-class mail.

4. The chief shall determine the amount of any additional payment required pursuant to paragraph (a) of subsection 2 based upon the amount of the arrearage owed by the responsible parent and his ability to pay.

5. A responsible parent against whom the division proceeds pursuant to subsection 2 may, within 20 days after he receives the notice required pursuant to subsection 3, submit to the chief a request for a hearing.

6. If a hearing is requested within the period prescribed in subsection 5, the hearing must be held pursuant to NRS 425.3832 *or section 60 of this act* within 20 days after the chief receives the request. The master *or hearing officer* shall notify the responsible parent of his recommendation or decision at the conclusion of the hearing or as soon thereafter as is practicable.

7. For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

Sec. 311. Section 75 of this act is hereby amended to read as follows:

Sec. 75. 1. After paternity is alleged pursuant to NRS 425.3826 [,] *or section 57 of this act,* and a written response denying paternity and requesting a hearing is received by the chief pursuant to paragraph (g) of subsection 1 of NRS 425.3824 [,] *or paragraph (g) of subsection 1 of section 56 of this act,* the chief shall order blood tests or tests for the genetic identification of the child, mother and alleged father if the child, mother or alleged father submits to the chief a written statement signed and notarized which:

(a) Alleges paternity and sets forth facts establishing a reasonable possibility that the mother and the alleged father had sexual intercourse at or about the probable time of conception; or

(b) Denies paternity and sets forth facts establishing a reasonable possibility that the mother and the alleged father did not have sexual intercourse at or about the probable time of conception.

2. Except as otherwise provided in subsection 3, the division shall pay the costs of any tests conducted pursuant to this section. If [the] *:*

(a) The district court approves a recommendation establishing the paternity of a child pursuant to NRS 425.3844 [,] *; or*

(b) A hearing officer issues an order establishing the paternity of a child pursuant to sections 53 to 68, inclusive, of this act,

the father shall reimburse the division for the costs of those tests.

3. If the child, mother or alleged father contests the results of a test conducted pursuant to this section, the division shall order the parties to submit to additional testing upon the payment of the costs of the additional tests by the contesting party.

Sec. 312. Section 76 of this act is hereby amended to read as follows:

Sec. 76. An order entered by a district court approving a recommendation for the support of a dependent child made by a master , [or] an order entered by a district court pursuant to NRS 425.382 to 425.3852, inclusive, and section 52 of this act *or an order for the support of a dependent child issued by a hearing officer pursuant to sections 53 to 68, inclusive, of this act* must contain the social security numbers of the parents or legal guardians of the child.

Sec. 313. Section 213 of this act is hereby amended to read as follows:

Sec. 213. "Register" means to file a support order or judgment determining parentage with the clerk of a district court of this state [.] *or a hearing officer appointed pursuant to section 51 of this act.*

Sec. 314. Section 222 of this act is hereby amended to read as follows:

Sec. 222. The district court and, within the limitations of authority granted pursuant to NRS 3.405, 125.005 or 425.381 to 425.3852, inclusive, *and sections 50 to 68, inclusive, of this act,* a master , [or] referee *or hearing officer* appointed pursuant to any of those sections, are the tribunals of this state.

Sec. 315. Section 1 of Assembly Bill No. 34 of this session is hereby amended to read as follows:

Section 1. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, each county clerk shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer $56

On an appeal to the district court of any case from a justice's court or a municipal court, or on the transfer of any case from a justice's court or a municipal court 42

On the filing of a petition for letters testamentary, letters of administration, setting aside an estate without administration, or a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:

Where the stated value of the estate is more than [$1,000] *$2,500* 72

Where the stated value of the estate is [$1,000] *$2,500* or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner 44

On the filing of an objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any answer in an estate or guardianship matter 44

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by him or them 44

For filing a notice of appeal 24

For issuing a transcript of judgment and certifying thereto 3

For preparing any copy of any record, proceeding or paper, for each page 1

For each certificate of the clerk, under the seal of the court 3

For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for his certificate 5

For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity 15

For issuing any certificate under seal, not otherwise provided for 6

For searching records or files in his office, for each year 1

For filing and recording a bond of a notary public, per name 15

For entering the name of a firm or corporation in the register of the county clerk 15

2. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk.

3. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

4. No fee may be charged any attorney at law admitted to practice in this state for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or his attorney in any criminal case or in habeas corpus proceedings.

5. Each county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.".

Amend sec. 310, page 125, line 1, by deleting "425.3837,".

Amend sec. 310, page 125, between lines 2 and 3, by inserting:

"3. NRS 425.3837 is hereby repealed.".

Amend the bill as a whole by renumbering sec. 315 as sec. 322 and adding a new section designated sec. 321, following sec. 314, to read as follows:

"Sec. 321. The director of the department of human resources shall notify the legislative counsel immediately upon receiving notice from the Secretary of Health and Human Services or his designated representative that the provisions of chapter 425 of NRS, as amended by sections 45 to 49, inclusive, 52, 69, 70, 72 to 85, inclusive, 86, 87, 88, 89, 90, 91, 92 to 95, inclusive, 96 to 100, inclusive, and 103 of this act do not comply with the requirements set forth in 42 U.S.C. § 666(a)(2), and that the provisions of sections 50, 51, 53 to 68, inclusive, 71, 85.5, 88.5, 90.5, 91.5, 95.5, 183.5, 291.5 and 310 to 314, inclusive, of this act are necessary to comply with those requirements.".

Amend sec. 315, page 125, by deleting line 24 and inserting:

"Sec. 322. 1. This section and sections 112 and 315 of this act become effective upon passage and approval or on June 30, 1997, whichever occurs earlier.

2. Sections 1 to 6, inclusive, 10 to 15, inclusive, 26 to 43, inclusive, 102, 105.5, 106, 107, 113, 114, 283, 284, 308, 309, 317, 320 and 321 of this act, and subsection 1 of section 316 of this act, become effective upon passage and".

Amend sec. 315, page 125, line 26, by deleting "2." and inserting "3.".

Amend sec. 315, page 125, line 28, by deleting: "sections 1 to 314, inclusive," and inserting: "the remaining provisions".

Amend sec. 315, pages 125 and 126, by deleting lines 31 through 43 on page 125 and lines 1 through 7 on page 126, and inserting:

"(a) Sections 44 to 49, inclusive, 52, 69, 70, 72 to 85, inclusive, 86, 87, 88, 89, 90, 91, 92 to 95, inclusive, 96 to 100, inclusive, 104, 105, 108 to 111, inclusive, 115 to 183, inclusive, 184 to 282, inclusive, 285 to 291, inclusive, 292 to 296, inclusive, 318 and 319 of this act, and subsection 2 of section 316 of this act, become effective:

(1) On July 1, 1997, if the 69th session of the legislature adjourns sine die before that date; or

(2) On October 1, 1997, if the 69th session of the legislature adjourns sine die on or after July 1, 1997.

(b) Section 103 of this act becomes effective:

(1) At 12:01 a.m. on July 1, 1997, if the 69th session of the legislature adjourns sine die before that date; or

(2) On October 1, 1997, if the 69th session of the legislature adjourns sine die on or after July 1, 1997.

(c) Sections 298 to 307, inclusive, of this act become effective on October 1, 1997.

(d) Sections 50, 51, 53 to 68, inclusive, 71, 85.5, 88.5, 90.5, 91.5, 95.5, 101, 183.5, 291.5, 297 and 310 to 314, inclusive, of this act, and subsection 3 of section 316 of this act, become effective:

(1) At 12:01 a.m. on October 1, 1997; or

(2) On the date the director of the department of human resources is notified by the Secretary of Health and Human Services or his designated representative that the provisions of chapter 425 of NRS, as amended by sections 45 to 49, inclusive, 52, 69, 70, 72 to 85, inclusive, 86, 87, 88, 89, 90, 91, 92 to 95, inclusive, 96 to 100, inclusive, and 103 of this act do not comply with the requirements set forth in 42 U.S.C. § 666(a)(2), and that the provisions of sections 50, 51, 53 to 68, inclusive, 71, 85.5, 88.5, 90.5, 91.5, 95.5, 183.5, 291.5 and 310 to 314, inclusive, of this act are necessary to comply with those requirements,

whichever occurs later.

(e) Sections 7, 8, 9 and 16 to 25, inclusive, of this act become effective on January 1, 1998.".

Amend the title of the bill, twelfth line, after "Act;" by inserting: "providing procedures for the protection of confidential information relating to persons who apply for or receive medical or financial assistance from counties;".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman and Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Becky Allen, Donald Allen, Jr., Bruce Arigoni, Danny Arrighi, Steven Banta, Heidi Breeding, Gary Brown, Jr., Matt Chism, Matt Christensen, Stephani Compston, Todd Compston, Joe Cutler, Sherrick Davis, Maria De La Torre, Shaun DeWitt, Josh Dini, Jessica Drake, Carrick Dunn, Trent Edmunds, Ryan Everard, Ty Frade, Cheryl Giomi, Jennelle Hanson, Scott Henderson, Shea Hurt, Ben Johnson, Willie Keady, Megan May, Jill McIntire, Robert Meacham, Jenny Mowrer, Christie Park, Heather Patterson, Randy Peacher, Aidee Peres, Amber Richardson, Albert Roberts, Jr., Vic Sam, Jr., Ivy Sanford, Sami Sceirine, Sherese Shaw, William Stanley, Mark Thompson, Becky Tibbals, William Tibbals, Nathan Toigo, Tawnya Varain, Wayne Walsh, Joe Webb, Alanna Williss, Christina Voorhees, Ron Ruetten, Frances De Giacomo, Virginia Warner and Tammy Owens.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Mathews.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Faiss and Kevin Doty.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Young.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Jansen, Jamie Baughn, Stacy Belshaw, Meghan Burke, Amber Cornelius, Tyler Dahl, Seth Gardner, Jennifer Hedgecock, Brandon Huff, Jenny Haggard, Kendall Larkin, Nicholas Lonnegren, Nicole Mauzey, Kenneth McGriff, Justin Proffer, Jackie Starble, Staci Sullivan, Steven Vadenais, Chance MacDonald, Mrs. Jaggard, Mrs. McGriff, Mrs. Gardner and Mrs. Lonnegren.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Champagne.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Ingrid Mortenson.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, May 29, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTIETH DAY

CARSON CITY (Thursday), May 29, 1997

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Nolan, who was excused.

Prayer by the Chaplain, Lt. John Van Cleef.

Father God, Scripture states that a king's heart is moved by Your hand in the same manner as water flowing through channels. In Jesus' Name, may the hearts of the legislators here gathered be moved by Your hand as they represent the people of this great state. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 178, 358, 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Infrastructure, to which was referred Assembly Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 118, 212, 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 104, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 180, 271.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 28, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 29, 30.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 129, 181, 258, 296, 331, 377, 380.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 27.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 31—Directing the Legislative Commission to conduct an interim study of family courts.

Assemblyman Anderson moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblywoman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ernaut, Berman, Hettrick, Perkins, Buckley, Williams, Marvel, Von Tobel, Ohrenschall, Amodei, Humke, Close, Herrera, Goldwater, Giunchigliani, Arberry, Anderson, Bache, Freeman, Lambert, Parks, Braunlin, Koivisto, Lee, Gustavson, Cegavske, Sandoval, Mortenson, Collins, Chowning, Evans, Manendo, Nolan and Price:

Assembly Bill No. 549—An Act relating to genetic information; prohibiting certain insurers from requiring an insured person or a member of his family to take a genetic test, to disclose whether he or a member of his family has taken a genetic test or to disclose genetic information concerning himself or a member of his family; prohibiting certain insurers from conditioning rates or other aspects of coverage for health care on the requirement that an insured person or a member of his family take a genetic test or on genetic information concerning an insured person or a member of his family; prohibiting the obtaining, retention or disclosure of any genetic information of a person under certain circumstances; providing for a civil action for damages caused by the unlawful disclosure of the genetic information of a person; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 550—An Act relating to state financial administration; extending the prospective date for the reversion of the appropriation made during previous session to the Department of Education for the development and implementation of a computer system for the licensing of teachers and other educational personnel; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 129.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 181.

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

Motion carried.

Senate Bill No. 258.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 296.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 331.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 377.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 380.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 469.

Amend section 1, page 1, line 8, by deleting "*is*" and inserting "*are*".

Amend section 1, page 1, by deleting lines 9 and 10.

Amend section 1, page 1, line 11, by deleting "*3.*" and inserting "*2.*".

Amend section 1, page 1, line 14, by deleting "*4.*" and inserting "*3.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 136.

Bill read second time.

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

Amendment No. 444.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, page 2, line 16, after "*departments.*" by inserting: "*Such a resolution must be enacted on or before January 1 of the year in which the additional municipal judge is to be elected and must prohibit the commencement of the operations of the additional department until the additional judge has been elected and takes office.*".

Amend sec. 2, page 2, by deleting lines 21 through 24 and inserting:

"*3. If the city council creates an additional department pursuant to subsection 1, the municipal judge who will preside over that department must be elected at the next municipal election that meets the requirements of subsection 1.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 246.

Bill read second time and ordered to third reading.

Assembly Bill No. 38.

Bill read second time.

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

Amendment No. 314.

Amend section 1, page 1, line 17, after "agencies" by inserting: "*, other confidential investigative files concerning the employee or person referred*".

Amend section 1, page 1, line 20, by deleting: "*response or explanation*" and inserting: "*explanation in direct response*".

Amend section 1, page 2, by deleting line 2 and inserting: "*person. Any such written explanation must be reasonable in length, in a format prescribed by the employer and*".

Amend section 1, page 2, by deleting lines 6 through 8 and inserting: "*of employment regarding an employee or person referred.*".

Amend section 1, page 2, line 24, by deleting "[5." and inserting "[5.] *7.*".

Amend section 1, page 2, line 26, by deleting the closed bracket.

Amend section 1, page 2, by deleting lines 27 through 29.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill, fourth line, by deleting: "providing an administrative penalty;".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time.

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

Amendment No. 439.

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

"Sec. 2. *The provisions of sections 3 and 4 of this act do not apply to a governing body in a county in which a regional planning commission has been created pursuant to NRS 278.026 to 278.029, inclusive.*".

Amend sec. 4, page 2, by deleting lines 10 through 18 and inserting: "*development that is intended to provide affordable housing unless it finds that:*

(a) The residential development as proposed is inconsistent with the master plan for the area as it existed on the date the application of the residential development was determined to be complete;".

Amend sec. 4, page 2, by deleting lines 29 through 38 and inserting:

"*(d) The residential development, as proposed, would have a specific adverse effect on the public health, safety or welfare and there is no feasible method by which to mitigate or avoid satisfactorily the specific adverse effect without rendering the development unaffordable to households with low or moderate levels of income.*".

Amend sec. 4, page 2, line 39, by deleting "*3.*" and inserting "*2.*".

Amend sec. 4, page 3, by deleting lines 1 and 2 and inserting: "*developed at a lower density unless it sets forth written findings that:*".

Amend sec. 4, page 3, line 10, by deleting "*4.*" and inserting "*3.*".

Amend sec. 5, page 3, line 22, by deleting: "*and section 2 of this act,*".

Amend the bill as a whole by deleting sec. 6 and renumbering sec. 7 as sec. 6.

Amend the title of the bill, first line, after "government" by inserting: "in certain counties".

Amend the summary of the bill, first line, after "government" by inserting: "in certain counties".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 387.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 427.

Amend section 1, page 1, by deleting lines 15 through 17 and inserting:

"(a) Propose a common date for a presidential preference caucus or primary election, to be known, as applicable, as the Rocky Mountain Presidential Preference Caucus or Primary Election;".

Amend section 1, page 1, line 20, by deleting "Primary;" and inserting: "Caucus or Primary Election;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 397.

Amend sec. 2, page 1, line 5, after "means a" by inserting: "regional transportation commission,".

Amend sec. 2, page 1, line 6, after "2." by inserting: " "Toll bridge" means any structure that is elevated over a depression or obstruction, including, without limitation, a waterway, highway or railway used primarily for vehicular traffic, and for which a charge is paid for each use. The term includes all roads that access a toll bridge and works incidental to the construction or operation of a toll bridge.

3.".

Amend sec. 3, page 1, by deleting lines 13 through 15 and inserting: "road or toll bridge must be a new road or bridge.".

Amend sec. 5, page 2, line 14, by deleting "40" and inserting "30".

Amend sec. 8, page 3, by deleting lines 15 and 16 and inserting: "provisions of this chapter.".

Amend sec. 10, page 3, by deleting lines 29 through 31 and inserting:

"3. The toll road or toll bridge must be a new road or bridge.".

Amend sec. 10, page 3, by deleting lines 33 and 34 and inserting: "road or toll bridge pursuant to the provisions of this chapter.".

Amend the title of the bill, first line, by deleting "governments" and inserting: "governments, regional transportation commissions".

Amend the summary of the bill, first line, by deleting "governments" and inserting: "governments, regional transportation commissions".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 468.

Amend section 1, page 1, line 3, after "compensation" by inserting "*only*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 431.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 466.

Amend section 1, page 1, line 2, by deleting "$343,995" and inserting "$292,994".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 467.

Amend section 1, page 1, line 3, by deleting "$421,726" and inserting "$453,788".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 396.

Amend section 1, page 1, by deleting lines 3 through 6 and inserting:

"*1. The administrator may by contract, for the operation of any rural branch office, appoint a public agency as an agent to assist in carrying out the duties of the department that are set forth in this chapter.*".

Amend section 1, page 1, between lines 10 and 11, by inserting:

"*3. As used in this section, "rural branch office" means a branch office that is:*

(a) Established by the administrator pursuant to NRS 481.055; and

(b) Located within a city or town, the population of which is less than 25,000.".

Amend sec. 6, page 4, line 3, by deleting "*may voluntarily*" and inserting "*shall*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 458.

Bill read second time and ordered to third reading.

Assembly Bill No. 459.

Bill read second time.

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

Amendment No. 443.

Amend section 1, page 1, line 11, after "unless" by inserting: *the commission has reason to believe*".

Amend section 1, page 1, by deleting lines 13 through 16 and inserting: to protect the interests of the public. *Before any such record may be examined, the commission shall submit a written request identifying the applicable reason for and facts justifying the examination. If the commission examines a record of an employee, including, without limitation, a record listed in*

subsection 3, the commission shall regard the information contained in that record as confidential and shall not disclose the information publicly".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 44, 45.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 44.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley, Collins, Price, Chowning and Lee.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. It is my pleasure to speak in support of this resolution today. I think Commissioner Jay Bingham really needs no introduction. He served with distinction on the Clark County Commission and was its chair for two terms. I guess I would point to Jay Bingham's integrity to support this resolution. As we sat here speaking today, we commented upon how we may not always agree on substantive issues. No one can ever doubt that Jay is motivated by what he believes is right, not by what other people think. He kept that integrity and legacy throughout his entire term in public service.

As we see fewer and fewer people going into public service, I think one thing that we can point out to them, in order to encourage them to serve, is that you can serve with honesty, distinction and integrity because we have examples like Jay Bingham.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution 44. I want to emphasize what an outstanding job Jay did, both as a city councilman in North Las Vegas and as a Clark County Commissioner. Above all, you could count on Jay's honesty. Jay also helped Clark County and the Regional Transportation Commission to fairly prioritize the road work.

I've known Jay a long time, and I'm very proud to be able to support this resolution. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you, it is my honor to rise in support of Senate Concurrent Resolution 44. Jay served as commissioner and as city councilman in my home city of North Las Vegas for a number of years. He always did a wonderful job and was honest and hard working. Jay served on the county commission, and he was my county commissioner for a few years before we re-districted. Again, he served with distinction.

I think that we in Nevada are fortunate to have public servants who have worked as hard and as diligently as Jay has, and I'm very pleased to support this resolution this morning. It's good to see you, Jay.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I, too, rise in support of SCR 44 commending Jay Bingham. He never, ever forgot North Las Vegas even though he went on to become a county commissioner. During the Gulf War, he implemented and fought hard for support of the families of the soldiers who were there. A lot of people are proud that he represented them.

ASSEMBLYMAN LEE:

Thank you, Mr. Speaker. I'd like to rise in support of SCR 44. Jay Bingham has been a good man for a lot of years. I knew him during the Rancho High School era of his life. I've watched him grow. He became a "hometown boy done good." Not only did he "do good" for us in the hometown, but for the whole community. Through his service in politics and church, his life has been one of service to his fellow man, and I'd like to commend him on how he has dedicated his life to other people. Thank you, Jay.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I just thought it important to note, since we just finished commending Jay Bingham for his many accomplishments, to note a further accomplishment of his. Jay was able to get $20 from Senator Raggio. There are not many of us who are able to achieve that task, and I thought it should be noted for today's record.

Resolution adopted.

Senate Concurrent Resolution No. 45.

Assemblyman Lee moved the adoption of the resolution.

Remarks by Assemblymen Lee, Dini, Segerblom, Price, Krenzer, Chowning, Braunlin and Buckley.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN LEE:

Thank you, Mr. Speaker. In this political world we live in, we're really probably not supposed to have favorites, but Paul Christensen has been a favorite of mine for many years, and I've enjoyed knowing him. Paul also has a life outside of this place. He was a pilot in the Air Force; he has been married for 44 years; he has four children and eight grandchildren; and he has been a very good family man throughout his years of public service.

His father, M. J. Christensen, served in the Assembly for 12 years and in the Senate for four years. I believe his father also served with you, Mr. Dini, during the last meetings held in the Capitol Building when the money was appropriated for this new building. It's my honor to present to you Paul Christensen, a great native Nevadan.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I can't let this go by without saying something about Paul. I remember when he was a city councilman and we had the big fights about annexation. Then he became a county commissioner, and he had the same fight on the other side. I think he changed direction there somewhere in between. I remember his father was a great man, a great Nevadan, and Paul is too. We appreciate all your public service.

ASSEMBLYWOMAN SEGERBLOM:

Thank you, Mr. Chairman. I rise in support of SCR 45. I served on the Las Vegas Convention Board with Paul Christensen, representing Boulder City, of course. Paul made it as much fun as the Speaker makes for us here on the Assembly floor.

I think we should also recognize Paul's wife, Norma, because Norma and I steered him around London one time and he would have gotten lost without us. He doesn't know directions too well. We were there, by the way, as guests of someone else, not at the expense of the Convention Authority or the State of Nevada. We were hosted.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, take great pleasure and honor in rising in support of SCR 45. I, like many others here, have been friends with and have known Paul and watched his service to our community and our state for many, many years. He has always served his electorate and our state in the finest manner. He has always been very approachable. Paul is easily accessible to everyone.

Paul has been a wonderful servant of Nevada, and I'm so pleased that we're recognizing him today.

ASSEMBLYWOMAN KRENZER:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution 45. While words like "kind" and "gentle" describe former Commissioner Bingham, "gruff" is a term that's been referred to in connection with Commissioner Christensen. He did not suffer fools. When people came to him with ideas, he would let them know if the idea wasn't acceptable. Commissioners Christensen and Bingham will be remembered best for serving during the time of the greatest growth in our county's history. Not only did they serve during that time, they both created the stable, consistent leadership that fostered and encouraged this growth. I'm very grateful to former Commissioner Christensen, and thank you to Commissioner Bingham.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I, too, rise in support of SCR 45. I got to know Commissioner Christensen before he was a commissioner, while I was teaching two of his nephews. They listened to their Uncle Paul, and if they didn't toe the line, then he made sure that they knew about it. That is the attitude that he had with everyone. I think it's just great to have a reputation as a "straight-shooter," and while he might not have agreed with your position, you never had to worry about where you stood. We appreciate his tenure of service to Nevada.

ASSEMBLYWOMAN BRAUNLIN:

Thank you, Mr. Speaker. I also rise in support of Senate Concurrent Resolution 45. Since I've been in office, I've had the pleasure of working with Paul Christensen, and I can honestly say that it has been a delight. There have been some very challenging times, but please know that I greatly appreciate all that you've done on behalf of southern Nevada and the entire state. Thank you.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I think it only appropriate, as we're paying tribute to Commissioner Christensen and Commissioner Bingham, that we also recognize Pat Shalmy, who is joining us today and who is in the audience. His vision, working with the commissioners, made Clark County what it is today, and I think it's only appropriate that we welcome him to our Chambers.

Resolution adopted.

Assemblyman Lee moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 26.

Bill read third time.

Remarks by Assemblymen Freeman and Krenzer.

Conflict of interest declared by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 26:

YEAS — 40.

NAYS — None.

Not voting — Krenzer.

Excused — Nolan.

Assembly Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 193:

YEAS — 41.

NAYS — None.

Excused — Nolan.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 306:

YEAS — 41.

NAYS — None.

Excused — Nolan.

Assembly Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 344:

YEAS — 41.

NAYS — None.

Excused — Nolan.

Assembly Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 374.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 374:

YEAS — 41.

NAYS — None.

Excused — Nolan.

Assembly Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 409.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Assembly Bill No. 409:

YEAS — 39.

NAYS — Carpenter, Segerblom — 2.

Excused — Nolan.

Assembly Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 423.

Bill read third time.

Remarks by Assemblymen Sandoval, Collins, Freeman and Anderson.

Roll call on Assembly Bill No. 423:

YEAS — 40.

NAYS — Evans.

Excused — Nolan.

Assembly Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 436:

YEAS — 41.

NAYS — None.

Excused — Nolan.

Assembly Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 227.

Bill read third time.

Remarks by Assemblywoman de Braga.

Potential conflict of interest declared by Assemblywoman de Braga.

Roll call on Senate Bill No. 227:

YEAS — 41.

NAYS — None.

Excused — Nolan.

Senate Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Joint Resolution No. 11:

YEAS — 41.

NAYS — None.

Excused — Nolan.

Senate Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 442 be re-referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman de Braga moved that the Assembly do not recede from its action on Senate Bill No. 27, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

Bill ordered transmitted to the Senate.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen de Braga, Neighbors and Carpenter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 27.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 110, 113, 131, 249, 258, 284, 297, 304, 408.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Jacobson.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 30, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:37 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-FIRST DAY

CARSON CITY (Friday), May 30, 1997

Assembly called to order at 11:19 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Nolan, who was excused.

Prayer by the Chaplain, Lt. John Van Cleef.

Our Father, who art in Heaven, hallowed be Thy Name. Thy kingdom come, Thy will be done, on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from the evil one. For Thine is the kingdom, and the power and the glory forever. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 456; Senate Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 198, 223, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 68, 114, 120, 144, 154, 189, 250, 251, 324.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 292 and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 323, 344, 358, 407, 408.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 297.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 46.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 32—Directing the Legislative Commission to conduct an interim study of family court systems.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Bache, Parks, Giunchigliani, Ernaut, Buckley, Amodei, Manendo, Braunlin, Lee, Hickey, Lambert, Koivisto, Humke, Williams, de Braga, Freeman, Berman, Collins, Anderson, Segerblom, Mortenson, Herrera, Ohrenschall, Krenzer, Evans, Sandoval, Chowning, Price, Dini, Close, Cegavske and Perkins:

Assembly Concurrent Resolution No. 33—Directing the Legislative Commission to conduct an interim study of issues relating to homeowners' associations.

Assemblyman Bache moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 551—An Act relating to the department of motor vehicles and public safety; revising provisions governing the release of certain records of the department to certain investigators, insurers and organizations; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 552—An Act relating to special license plates; revising the provisions governing the fees collected by the department of motor vehicles and public safety for the issuance and renewal of certain special license plates; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 553—An Act relating to elections; revising the manner of enforcing the prohibitions against making a false statement of fact concerning a candidate or a question on a ballot and willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 554—An Act relating to marriage; making various changes to provisions governing the recognition of marriages performed within Indian reservations and colonies; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 555—An Act relating to shooting ranges; providing that a shooting range is subject only to the laws related to the control of noise that were in effect when the range was approved; providing immunity from civil liability to a person who owns, operates or uses a shooting range for damages related to noise if the shooting range is in compliance with any such law; providing that noise from a shooting range does not constitute a public nuisance if the range complies with any such law; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 556—An Act relating to taxation; clarifying the provisions governing the imposition and collection of the taxes on the rental of transient lodging; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Bache, Anderson, Giunchigliani, Neighbors, Koivisto, Humke, Berman, Freeman, Collins, Manendo, Buckley, Segerblom, de Braga, Lambert, Parks, Lee, Braunlin, Mortenson, Herrera, Amodei, Williams, Ohrenschall, Krenzer, Evans, Sandoval, Chowning, Price, Dini, Ernaut, Close, Perkins and Cegavske:

Assembly Bill No. 557—An Act relating to child care facilities; requiring persons who operate child care facilities to provide certain safety drills for certain children; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Chowning, Herrera, Goldwater, Krenzer, Cegavske, Close, Von Tobel, Giunchigliani, Evans, Collins, Mortenson, Sandoval, Gustavson, Lee, Koivisto, Parks, Buckley, Bache, Price, Anderson, Amodei, de Braga, Hickey, Neighbors and Hettrick:

Assembly Bill No. 558—An Act making an appropriation to the Clark County School District for the continuation of the pilot program for the instruction of pupils whose primary language is not English; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Chowning, Herrera, Evans, Collins, Koivisto, Parks, Buckley, Bache, Price, Cegavske, Anderson, Gustavson, Amodei, de Braga and Neighbors:

Assembly Bill No. 559—An Act relating to education; requiring the State Board of Education to establish a task force to develop standards for achieving equitable educational opportunity for pupils; authorizing the public

schools, school districts and sponsors of certain programs to apply for grants to carry out the standards; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 297.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 323.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 344.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 358.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 407.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 408.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 178.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 480.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 14, following the enacting clause, to read as follows:

"Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Drivetrain" means those components and systems within a motor vehicle that transfer power from the engine of the vehicle to the wheels of the vehicle, including, without limitation, a transmission, driveshaft, torque converter, differential, universal joint and constant velocity joint.*

Sec. 4. *"Used vehicle" has the meaning ascribed to it in NRS 482.132.*

Sec. 5. *"Used vehicle dealer" has the meaning ascribed to it in NRS 482.133.*

Sec. 6. *Before a used vehicle dealer may sell a used vehicle to a retail customer, the used vehicle dealer must first conduct a reasonably thorough inspection of that vehicle, inspecting for soundness and safety the components and systems of the vehicle's engine and drivetrain.*

Sec. 7. *1. Except as otherwise provided in section 8 of this act, a used vehicle dealer who sells to a retail customer a used vehicle, the odometer of which registers 75,000 miles or more, shall issue to that retail customer an express written warranty which complies with the requirements set forth in subsection 2 and is valid for the period set forth in the schedule of warranties created pursuant to section 9 of this act.*

2. An express written warranty required pursuant to subsection 1 must contain a statement that, in the event the operation of the used vehicle becomes impaired as a result of a defect in a component or system of the vehicle's engine or drivetrain, the used vehicle dealer shall, with reasonable promptness, correct the defect or cause the defect to be corrected. A used vehicle dealer who is required to correct a defect or cause a defect to be corrected pursuant to a warranty issued pursuant to subsection 1 shall correct the defect or cause the defect to be corrected at a charge to the retail customer who purchased the used vehicle not to exceed $25.

Sec. 8. *Notwithstanding the provisions of section 7 of this act, a used vehicle dealer may sell to a retail customer a used vehicle, the odometer of which registers 75,000 miles or more, without an express written warranty if before completing the sale, the used vehicle dealer discloses to the retail customer in writing any defects in the components and systems of the vehicle's engine and drivetrain of which the used vehicle dealer knows or reasonably should know after conducting the inspection required pursuant to section 6 of this act.*

Sec. 9. *If an express written warranty is required for a used vehicle pursuant to section 7 of this act, the duration of such a warranty must be determined pursuant to this section. If, on the date the vehicle was purchased from the used vehicle dealer, the odometer in the used vehicle registered:*

1. At least 75,000 but less than 80,001 miles, the warranty is valid for a period of 30 days therefrom or until the odometer in the vehicle registers 1,000 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

2. At least 80,001 but less than 85,001 miles, the warranty is valid for a period of 20 days therefrom or until the odometer in the vehicle registers 600 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

3. At least 85,001 but less than 90,001 miles, the warranty is valid for a period of 10 days therefrom or until the odometer in the vehicle registers 300 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

4. At least 90,001 but less than 100,001 miles, the warranty is valid for a period of 5 days therefrom or until the odometer in the vehicle registers 150 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

5. At least 100,001 miles, the warranty is valid for a period of 2 days therefrom or until the odometer in the vehicle registers 100 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

The period for which a warranty is valid pursuant to this section must be tolled during any period in which the operation of the vehicle is impaired as a result of a defect in a component or system of the vehicle's engine or drivetrain.

Sec. 10. *1. Before a natural person who is not a vehicle dealer or used vehicle dealer may sell a used vehicle to another natural person, the seller shall first disclose in writing to the prospective purchaser those defects in the systems and components of the vehicle's engine and drivetrain known to the seller.*

2. The duty of disclosure set forth in subsection 1 does not expressly or impliedly require a natural person who sells a used vehicle to conduct an inspection in connection therewith.

Sec. 11. *1. The department of motor vehicles and public safety may impose an administrative fine, not to exceed $2,500, for a violation of sections 6 to 9, inclusive, of this act, or any regulation adopted pursuant thereto. The department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.*

2. All administrative fines collected by the department pursuant to subsection 1 must be deposited with the state treasurer to the credit of the

account for regulation of used vehicle dealers, which is hereby created in the state highway fund. Money in the account may be used only for the administration of NRS 481.048 and sections 6 to 9, inclusive, of this act.

3. In addition to any other remedy provided by law, the department may compel compliance with sections 6 to 9, inclusive, of this act, and any regulation adopted pursuant thereto, by injunction or other appropriate remedy and the department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 12. *The department of motor vehicles and public safety may adopt regulations to carry out the provisions of sections 2 to 11, inclusive, of this act.*

Sec. 13. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) *An act prohibited by sections 6 to 9, inclusive, of this act;*

(c) An act prohibited by NRS 482.351; or

[(c)] *(d)* A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive.

3. If the claimant is the prevailing party, the court shall award any damages that he has sustained.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 14. NRS 481.048 is hereby amended to read as follows:

481.048 1. There is hereby created, within the registration division of the department, the bureau of enforcement.

2. The director shall appoint, within the limits of legislative appropriations, investigators in the bureau of enforcement of the registration division of the department.

3. The duties of the investigators are to travel the state and:

(a) Act as investigators in the enforcement of the provisions of chapters 482 , [and] 487 *and 597* of NRS, NRS 108.265 to 108.360, inclusive, and 108.440 to 108.500, inclusive, as those sections pertain to motor vehicles, trailers, motorcycles, recreational vehicles and semitrailers, as defined in chapter 482 of NRS.

(b) Act as adviser to dealers in connection with any problems arising under the provisions of that chapter.

(c) Cooperate with personnel of the Nevada highway patrol in the enforcement of the motor vehicle laws as they pertain to dealers.

(d) Perform such other duties as may be imposed by the director.".

Amend the title of the bill to read as follows: "An Act relating to motor vehicles; requiring a used vehicle dealer to conduct certain inspections on

each used vehicle that he sells to a retail customer; requiring a used vehicle dealer to provide certain warranties for certain used vehicles that he sells to retail customers or alternatively to disclose certain defects in those vehicles; requiring a natural person to disclose known defects in a vehicle that he sells to another natural person; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to sale of certain used vehicles. (BDR 52-745)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 358.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 375.

Amend sec. 2, page 1, line 8, after "*years.*" by inserting: "*A landlord shall inform such persons about the availability of such long-term rental agreements.*".

Amend sec. 2, pages 1 and 2, by deleting lines 9 through 16 on page 1 and lines 1 through 6 on page 2 and inserting:

"*2. A rental agreement entered into pursuant to subsection 1:*

(a) Must be written in clear and concise language that is set forth in at least 10-point type or handwritten legibly on a form approved by the division.

(b) Must not contain any provision that is unlawful or unconscionable.

(c) Must contain the provisions required pursuant to subsection 3.

3. A rental agreement entered into pursuant to subsection 1 must contain a provision that authorizes:

(a) The tenant, the spouse of the tenant or, if applicable, the guardian of the tenant, to terminate the agreement without notice if, during the period the agreement is in force:

(1) The tenant or the spouse of the tenant is medically certified as disabled; or

(2) The tenant or the spouse of the tenant dies.

(b) The tenant to, in accordance with subsection 4:

(1) Assign his rights under an existing rental agreement to a person who purchases the mobile home of the tenant.

(2) Sublease the site on which his mobile home is located.

(c) The landlord to increase the rent:

(1) Not more often than once every 12 months by a percentage which is not more than the percentage of the increase in the Consumer Price Index (All Items) for the preceding calendar year;

(2) To pay for an improvement to the mobile home park which is required by a governmental entity or for the maintenance of such an improvement; and

(3) To pay for a capital improvement to the mobile home park which costs more than $20,000, unless the project is disapproved by a majority of the tenants of the mobile home park pursuant to section 3 of this act.

4. Before a tenant may execute an assignment or sublease pursuant to a provision of a rental agreement required by paragraph (b) of subsection 3, the tenant must notify the landlord of that intent. Except as otherwise provided in subsection 5, a landlord may disapprove such an assignment or sublease only if:

(a) The landlord determines that the person to whom the assignment or sublease will be made:

(1) Lacks the financial ability to pay the rental fee; or

(2) Would pose an unreasonable threat to the safety or peaceful enjoyment of the other tenants of the mobile home park; and

(b) Within 7 days after receiving from the tenant the required notice of intent to execute an assignment or sublease, the landlord notifies the tenant in writing of the determination made pursuant to paragraph (a).

A landlord shall not require an assignee or sublessee to pay an application fee or other administrative fee to enter into a contract with a tenant in accordance with this section.

5. Notwithstanding the provisions of subsection 4, a landlord may not disapprove an assignment made by a bona fide creditor of a tenant.

6. The provisions of this section do not apply to a mobile home park that has 100 or fewer mobile home lots.".

Amend sec. 3, page 2, between lines 38 and 39, by inserting:

"*6. The provisions of this section do not apply to a mobile home park that has 100 or fewer mobile home lots.*".

Amend the title of the bill, third line, after "circumstances;" by inserting: "setting forth the provisions that must be included in such an agreement; authorizing a tenant to execute an assignment or sublease in certain circumstances;".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 477.

Amend sec. 4, page 2, by deleting line 15 and inserting: "cover losses of the bank and [an impairment of the capital stock is created.] *the stockholders' or members' equity of the bank has been reduced below the requirements of law.*".

Amend sec. 6, page 2, by deleting lines 32 through 34 and inserting: "reduced [in value] below the requirements of law, or [of its] *that the* articles of incorporation [or organization,] *of the bank have been unlawfully amended to reduce the authorized stock of the bank in violation of NRS 661.035,* he shall forthwith issue an order directing".

Amend the bill as a whole by deleting sec. 22 and renumbering sections 23 through 70 as sections 22 through 69.

Amend sec. 23, page 9, line 44, after "*of the*" by inserting: "*bank to require the*".

Amend sec. 23, page 10, by deleting lines 21 through 23 and inserting:

"4.] *require the bank to make the impairment good.*

3. If, within 3 months after [receiving] *the officers and directors of the bank receive the* notice from the commissioner, the bank fails to make [good the deficiency in".

Amend sec. 35, page 18, by deleting line 25 and inserting: "classes of stock [entitled to vote on the proposal] *that are included in the plan* and by the commissioner. In".

Amend sec. 43, page 22, by deleting lines 33 through 39 and inserting: "for all money deposited on open account.

4. The [receipt or passbook must contain the] rules and regulations adopted by the bank governing [the deposit or if the passbook does not contain those rules and regulations, they] *deposits* must be [printed] *:*

(a) Included in the receipt or passbook issued pursuant to subsection 3;

(b) Printed and conspicuously posted in [some] *a* place accessible and visible to all persons in the business office of the bank [, and the rules and regulations must be accepted by the depositor, and thereupon shall be deemed agreed to by him.] *; or*

(c) Provided directly to the depositor.

5. Payments from the account to".

Amend sec. 43, page 23, by deleting line 5 and inserting:

"[4. Nothing in this Title prohibits]

6. This Title does not prohibit a bank".

Amend sec. 47, page 24, line 17, by deleting "its capital" and inserting "its [capital]".

Amend sec. 48, page 25, line 27, by deleting "*Exercise*" and inserting: "*Subject to the approval of the commissioner, exercise*".

Amend sec. 48, page 25, line 31, after "*2.*" by inserting: "*The commissioner shall not approve the exercise of any power or the engagement in any activity pursuant to paragraph (d) or (e) of subsection 1 if the commissioner determines that the exercise of that power or the engagement in that activity would be inconsistent with safe and sound banking practices.*

3.".

Amend sec. 48, page 25, line 35, by deleting "*3.*" and inserting "*4.*".

Amend sec. 55, page 32, by deleting lines 15 through 17 and inserting: "another state as a home state, the laws of the home state prevail , except that:

(a) The commissioner may, by regulation, order that Nevada law".

Amend sec. 55, page 32, line 20, by deleting: "state . [; and" and inserting "state; and".

Amend sec. 55, page 32, line 25, by inserting an open bracket before "4.]".

Amend sec. 56, page 33, line 1, by deleting "*depository institution*" and inserting "*bank* ".

Amend sec. 56, page 33, by deleting lines 6 through 9 and inserting: "*a bank.*

(c) A bank that was originally chartered as a Nevada depository institution other than a bank shall be deemed to have been in existence for the period since the original articles of incorporation or organization of the depository institution were filed with the secretary of state.

(d) If a Nevada depository institution becomes the successor in interest to the business of an out-of-state depository institution without a branch bank in this state that previously acquired a Nevada depository institution or to an out-of-state holding company without a branch bank in this state that ".

Amend sec. 61, page 36, line 28, after "*named* " by inserting: "*, or whose selection is provided for,*".

Amend sec. 66, pages 37 and 38, by deleting lines 42 through 44 on page 37 and lines 1 through 3 on page 38 and inserting: "the par value of not less than] $1 each. [The amount of capital stock must not be less than $250,000, and must be assessable.

(e) The amount of its original paid-in surplus, which must not be less than 20 percent of its capital stock.

(f)] *(e)* The name and place of residence of, and the number of shares".

Amend sec. 66, page 38, line 5, by deleting "(g)" and inserting "[(g)] *(f)*".

Amend sec. 66, page 38, line 9, by deleting "(h)" and inserting "[(h)] *(g)*".

Amend sec. 66, page 38, line 10, by deleting "(i)" and inserting "[(i)] *(h)*".

Amend the bill as a whole by adding a new section designated sec. 70, following sec. 70, to read as follows:

"Sec. 70. Chapter 670 of NRS is hereby amended by adding thereto a new section to read as follows:

The stockholders' equity of a development corporation must not be less than $500,000.".

Amend sec. 71, page 42, by deleting lines 4 and 5 and inserting: "and the number of shares subscribed by each. [The aggregate of the subscription is the minimum amount of capital with".

Amend sec. 71, page 42, line 8, by deleting the open bracket.

Amend sec. 72, page 43, by deleting lines 8 and 9 and inserting: "into which it is divided [, the amount of capital with which the corporation will commence business] and, if there is more than one".

Amend sec. 74, page 43, line 43, before "*stockholders'* " by inserting "*initial* ".

Amend sec. 75, page 44, by deleting lines 30 and 31 and inserting: "its net earnings in each year until the earned surplus equals [the total of the paid-in capital and paid-in surplus] *50 percent of the stockholders' equity* then outstanding.".

Amend sec. 77, page 45, line 17, by deleting: "78 and 79" and inserting: "78, 79 and 80".

Amend the bill as a whole by renumbering sections 80 through 103 as sections 81 through 104 and adding a new section designated sec. 80, following sec. 79, to read as follows:

"Sec. 80. *A corporation authorized to engage in business pursuant to this chapter may form a bank pursuant to the provisions of subsection 2 of NRS 659.015.*".

Amend sec. 88, page 47, by deleting lines 38 through 43 and inserting:

"677.247 1. [An] *Except as otherwise provided in subsection 2, an* applicant for an authorization to engage in the business regulated pursuant to this chapter must obtain:

(a) The insurance of deposits provided pursuant to the provisions of the Federal Deposit Insurance Act (12 U.S.C. §§ 1811 et seq.); *or*

(b) The insurance of deposits provided pursuant to the provisions of the".

Amend sec. 88, page 48, between lines 20 and 21 by inserting:

"*2. A person who:*

(a) Is licensed pursuant to this chapter before October 1, 1997; and

(b) Has not obtained the insurance of deposits provided in subsection 1, may obtain a contract for the insurance of deposits that is issued by a private insurer. The contract must be approved by the commissioner and the commissioner of insurance.

3. The commissioner shall adopt regulations prescribing the requirements that must be complied with before a contract issued pursuant to subsection 2 will be approved by him.".

Amend the bill as a whole by deleting sections 104 and 105 and the leadlines of repealed sections and adding new sections designated sections 105 and 106 and the leadlines of repealed sections, following sec. 103, to read as follows:

"Sec. 105. 1. NRS 661.046, 661.055, 661.095, 661.155, 661.175, 661.215, 661.225, 662.012 and 663.035 are hereby repealed.

2. NRS 677.249 is hereby repealed.

Sec. 106. 1. This section and sections 1 to 85, inclusive, 87, 88 and 90 to 104, inclusive, of this act, and subsection 1 of section 105 of this act become effective upon passage and approval.

2. Section 89 of this act becomes effective:

(a) Upon passage and approval for the purposes of adopting the regulations required pursuant to that section; and

(b) On October 1, 1997, for all other purposes.

3. Section 86 of this act and subsection 2 of section 105 of this act become effective on October 1, 1997.

LEADLINES OF REPEALED SECTIONS

661.046 Decrease of capital.

661.055 Minimum surplus required for certain banking corporations and companies.

661.095 Liability of paid-up stockholders or members.

661.155 Directors or managers: Oath.

661.175 Officers: Election and appointment; terms; removal.

661.215 Charging losses to surplus; reimbursement from earnings before payment of dividends.

661.225 Withdrawal of capital prohibited; limitation on declaration and payment of dividends or distributions.

662.012 "Capital accounts" defined.

663.035 Interest on time deposits.

677.249 Approval of private insurer.".

Amend the title of the bill, tenth line, by deleting: "a thrift company" and inserting: "certain thrift companies".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 435.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 447.

Amend section 1, page 1, lines 3 and 4, by deleting: for a risk assessment and workload study of the Division of Parole and Probation." and inserting: "for:

1. A workload study of the Division of Parole and Probation; and

2. A study to validate the method of classifying the risk assessment of offenders, to examine whether additional supervision for offenders classified as high- or low-risk offenders reduces their criminal activity, and of the use and effectiveness of classification overrides in the system of classification.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 489.

Amend sec. 5, page 2, by deleting line 2 and inserting: "resources shall, on or before October 31, 1997, enter into an".

Amend sec. 7, page 3, by deleting lines 27 and 28 and inserting:

"6. The director of the department of human resources shall make reasonable efforts to return to all contributors, on a pro rata basis, any money remaining in the account on June 30, 1999, that is not committed for expenditure.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

Senate Bill No. 118.

Bill read second time and ordered to third reading.

Senate Bill No. 212.

Bill read second time and ordered to third reading.

Senate Bill No. 240.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Joint Resolution No. 15—Expressing the State of Nevada's continued opposition to a Constitutional Convention of the States.

WHEREAS, For two centuries, the Constitution of the United States has served the citizens of this country well while preserving individual liberties; and

WHEREAS, The Constitution of the United States provides the framework for the American people to make legislative changes needed to protect the abundant freedoms which it guarantees; and

WHEREAS, All 27 amendments now in the Constitution were adopted by the traditional method of passage by a majority vote of two-thirds of the members in each House of Congress followed by ratification by three-fourths of the states; and

WHEREAS, There is no pressing need or reason to hold a Constitutional Convention of the States that could threaten vital traditions and imperil important governmental operations; and

WHEREAS, The Congressional Term Limits Act of 1996, which appeared as Ballot Question No. 17 on the State of Nevada's General Election Ballot on November 5, 1996, as the result of an initiative petition, requires a Constitutional Convention of the States if the act is passed by two-thirds of the states; and

WHEREAS, The voters of the State of Nevada will be considering Ballot Question No. 17 in the 1998 General Election for the second and final time; and

WHEREAS, Nine states have already supported a Constitutional Convention of the States by passing the Congressional Term Limits Act of 1996, thus threatening the integrity of the Constitution of the United States; and

WHEREAS, A Constitutional Convention of the States could jeopardize the Constitution of the United States by considering issues which are in addition to congressional term limits, thus leaving the Constitution open to sweeping and unnecessary revision; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada continues to oppose to the Constitutional Convention of the States; and be it further

RESOLVED, That the desire of the American people to impose term limits for the members of the United States House of Representatives and Senate can be equally accomplished through the traditional method available to amend the Constitution of the United States; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 104.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 459.

Amend sec. 2, page 1, lines 9 and 10, by deleting: "January 3, 2005." and inserting: "January 6, 2003.".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. 1. There is hereby appropriated from the state general fund to the district judges' salaries account for salaries of the additional district judges required pursuant to section 1 of this act:

For the fiscal year 1997-1998..... $193,086

For the fiscal year 1998-1999..... $376,533

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 4, page 1, line 14, by deleting "and 3" and inserting: ", 3 and 4".

Amend the title of the bill, second line, after "district;" by inserting: "making appropriations;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 439.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 439:

YEAS — 41.

NAYS — None.

Excused — Nolan.

Assembly Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 458:

YEAS — 41.

NAYS — None.

Excused — Nolan.

Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 471.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 471:

YEAS — 41.

NAYS — None.

Excused — Nolan.

Assembly Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

Remarks by Assemblywoman Braunlin.

Roll call on Senate Bill No. 91:

YEAS — 40.

NAYS — Arberry.

Excused — Nolan.

Senate Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 246.

Bill read third time.

Remarks by Assemblymen Price and Krenzer.

Conflict of interest declared by Assemblywoman Krenzer.

Roll call on Senate Bill No. 246:

YEAS — 40.

NAYS — None.

Not voting — Krenzer.

Excused — Nolan.

Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

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

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

WENDELL P. WILLIAMS	BERNICE MATHEWS
BARBARA E. BUCKLEY	VALERIE WIENER
MARK AMODEI	RANDOLPH J. TOWNSEND
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 2.

Amend sec. 17, page 4, by deleting lines 22 through 24 and inserting: *"do-not-resuscitate protocol when he observes a do-not-resuscitate identification."*.

Assemblyman Williams moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 29.

Remarks by Assemblyman Williams.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 83, 85, 92, 96, 149, 193, 215, 238; Senate Concurrent Resolution No. 43.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Aebi, John Akerley, Cody Albee, Devon Anderson, Nicholas August, Mario Avila, Ryan Bauer, Christopher Bibee, Sidney Biber, Kenneth Binder, Roger Block, Ila Bottoms, Matthew Brown, Tiffany Brunscher, Chelsea Bunch, Ronnie Bustamante, David Cadwallader, Andrew Cardinal, Amanda Carvin, Julie Cave, Erika Crail, Vincent Cramer, Kathleen Davis, Anthony Diltz, Erin Dunbar, Sharee Dunmore, Brian Elder, Anthony Evans, Samantha Farr, Alex Ferguson, Jason Fisher, Andrew Fleming, Jimmy Fonda, Noemi Fuentes, Rebecca Fulbright, Christopher Gould, Jeremy Grunert, Nicholas Haney, Ronald Hansen, Kyle Hanson, Heather Harington, Nicci Havener-Cohen, Megan Hoote, Sheldon Hopkins, Nicole Johnson, Erica Kaskie, Jennifer Kasper, Neal Keyes, Jason Klug, Simone Kuckenmeister, Rachel Kuhn, Anthony Laffoon, Tyler Laney, Matthew McElfish, Jessica McWilliams, Andrew Meyer, Joshua Miles, Erin Miller, Alex Miller-O'Neill, Erica Munoz, Danielle Nelson, Jason Olney, Wesley Osmer, Sheena Palmer, Daniel Pascual, Jessica Piazza, Madison Piazza, Brittany Puzey, Alex Ramirez, Robert Reynolds, Greta Schnaser, Abigail Schulz, Kevin Sinnott, Richard Spuehler, Jason Stultz, Shawn Sulli, Sabrina Tellez, Sara Terminel, Zack Tersteege, Annamarie Theuret, Austin Watson, Steven Wear, Jessica Wehr, Christopher Wilcox, Chelsey Wilkens, Bradley Williams, Bailey Wilson, Breanna Wilson, Jessica Wood, Daniel Works, Brittany York, Dustin Zastre, Jenny Thew, Mrs. Hataway, Mrs. Mollers and Mrs. Richey.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Kindred-Kipling.

Assemblyman Perkins moved that the Assembly adjourn until Monday, June 2, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-FOURTH DAY

CARSON CITY (Monday), June 2, 1997

Assembly called to order at 10:39 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

Almighty and powerful God, who are we that You are mindful of us? Yet You have created us a little lower than the Heavenly beings and given us dominion over Your creation. As Your children, we humble ourselves before You, asking that You give us discernment for governing justly as we make decisions that affect people's lives. Give us strength, compassion and integrity of purpose as we seek to do Your will. We pray this in Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Concurrent Resolution No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and re-refer to the Committee on Ways and Means.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which were referred Assembly Bills Nos. 208, 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 312, 412, 438, 457; Senate Bill No. 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 259, 509; Senate Bills Nos. 23, 70, 71, 175, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 29.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 327.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 327.

Amend sec. 9, pages 3 and 4, by deleting lines 26 through 43 on page 3 and lines 1 through 25 on page 4 and inserting:

"555.203 1. The board of county commissioners of any county [shall] *may, in accordance with chapter 308 of NRS,* create one or more weed control districts in that portion of the county which lies outside any incorporated city . [if there is filed] *Creation of such a district may be initiated by the board of county commissioners or by* a petition which:

(a) Designates the area to be included in the weed control district, either as the entire unincorporated area of the county or by sections or parts of sections with appropriate township and range references; and

(b) Is signed by [owners] *an owner* of land within the proposed weed control district . [who:

(1) Are 60 percent or more of the total number of such owners; and

(2) Own 50 percent or more in assessed valuation, as shown by the current assessment roll, of the lands to be included.

2. If the land to be included in the weed control district is situated within two or more counties, the petition must designate the area of each of the

counties to be included in the district and must be signed by owners of land within the proposed district who:

(a) Are 60 percent or more of the total number of such owners in each of the counties from which lands are to be included; and

(b) Own 50 percent or more in assessed valuation, as shown by the current assessment roll, of the lands to be included in each of the counties.

The petition must be filed with the board of county commissioners of the county in which is located the larger or largest proportion of the area, and that board of county commissioners has jurisdiction over the entire area for the purpose of creating the district and, except as otherwise provided in NRS 555.202 to 555.210, inclusive, for carrying out the duties of county commissioners with respect to the district.

3.] *2.* Lands proposed for inclusion in a weed control district need not be contiguous.

[4.] *3.* Before creating a weed control district, the board of county commissioners shall [hold] *:*

(a) Hold at least one public hearing [, of which they shall give notice by publication, in a newspaper of general circulation in the county, of at least one notice published not less than 10 days before the date of the hearing.] *pursuant to NRS 308.070.* At this hearing, the board of county commissioners shall entertain applications for the exclusion of lands, designated by sections or parts of sections as prescribed in subsection 1, from the proposed district, if any such application is made. The board of county commissioners shall exclude any such lands as to which it is shown to their satisfaction that any weeds which exist on that land do not render substantially more difficult the control of weeds on other lands in the proposed district.

(b) Provide for the hearing of protests against the establishment of the district in the manner set forth in NRS 318.065 and 318.070.

4. The board of trustees of a general improvement district may, in accordance with NRS 318.077, add to the basic powers of the district the control and eradication of noxious weeds.".

Amend the bill as a whole by renumbering sections 10 and 11 as sections 12 and 13 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. NRS 555.217 is hereby amended to read as follows:

555.217 1. The boundaries of a weed control district may be changed in the manner prescribed in this section [,] *or in subsection 3 of NRS 308.080,* but the change of boundaries of the district does not:

(a) Impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever.

(b) Affect or impair or discharge any contract, obligation, lien or charge for or upon which it or the owners of property in the district might be liable or chargeable had the change of boundaries not been made.

2. The owners of lands may file with the board of directors a petition in writing praying that those lands be included in or excluded from the district. The petition must describe the tracts or body of land owned by the petitioners, and the petition shall be deemed to give the consent of the petitioners to the inclusion in or the exclusion from the district of the lands described in the petition. The petition must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

3. The board of directors of the district may, on its own motion or upon petition of any person other than the owner, initiate proceedings for the inclusion of land in the district. A petition filed with the board of directors for this purpose must be in writing and must describe the tracts or body of land proposed to be included, allege that the lands described contain certain weeds that are harmful to owners of land in the district and request that the lands be included in the district.

4. Areas proposed for inclusion in a weed control district need not be located in the same county as other portions of the district and need not be contiguous to other portions of the district.

5. The secretary of the board shall give notice of filing of the petition, or initiation of proceedings by the board, to the owner or owners of the lands described in the petition or motion of the board and shall cause notice to be published in a newspaper of general circulation in the county in which the lands described are situated. The notices must require all persons interested to appear at the office of the board at the time specified in the notice and show cause in writing why the request should not be granted.

6. The board shall at the time specified in the notice, or at the time or times to which the hearing may be adjourned, proceed to hear the request and all written objections presented to show cause why the request should not be granted. The failure of any person interested to show cause in writing must be considered an approval by that person of the inclusion in or the exclusion from the district of the lands as requested.

7. Upon conclusion of the hearing the board by resolution shall approve the request, subject to ratification by the board of county commissioners of the county in which the lands are situated if the request is for the inclusion of lands, or deny the request. In the case of proceedings initiated pursuant to subsection 3, the board may approve the inclusion in the district of the described lands only if it determines that the lands contain weeds that are harmful to owners of land in the district. The board may defer adoption of the resolution to a special meeting or its first regular meeting after conclusion of the hearing, whichever is sooner.

8. A copy of the resolution, adopted pursuant to subsection 7, must be filed with the board of county commissioners of each county in which all or a part of the district is located.

9. No action of the board of directors approving the inclusion of lands within the district becomes effective unless it is ratified by the board of county commissioners of the county in which the lands are situated. The board of county commissioners may ratify the action at any time after the filing of the resolution, but if the board has neither ratified the action nor denied ratification within 90 days after the date the resolution was filed pursuant to subsection 8, the action of the board of directors shall be deemed ratified.

Sec. 11. NRS 308.020 is hereby amended to read as follows:

308.020 1. The Special District Control Law applies to:

(a) Any special district whose formation is initiated by a board of county commissioners; and

(b) Any petition for the formation of any proposed special district filed with any board of county commissioners.

2. As used in this chapter "special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, *weed control district,* general improvement district, or any other quasi-municipal corporation organized under the local improvement and service district laws of this state as enumerated in Title 25 of NRS, but excludes:

(a) All local improvement districts created pursuant to chapter 309 of NRS; and

(b) All housing authorities.".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:45 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 366 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 456.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 470.

Amend section 1, page 1, by deleting lines 3 through 18 and inserting:

"*1. Except as otherwise provided in subsection 2, a person who is convicted of a violation of a speed limit in an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.*".

Amend section 1, page 2, by deleting lines 4 through 6 and inserting:

"*3. A governmental entity that designates an area as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted, or the person with whom the governmental entity contracts to provide such service shall cause to be erected:*

(a) A sign located approximately 100 feet before the beginning of such an area which states that a double penalty will be imposed upon a person who is convicted of violating the speed limit within the temporary traffic control zone;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.".

Amend the title of the bill, second line, after "as a" by inserting: temporary traffic control".

Amend the summary of the bill, first line, after "as" by inserting: temporary traffic control".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 198.

Bill read second time and ordered to third reading.

Senate Bill No. 223.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 14.

Resolution read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 490.

Amend sec. 3A, page 1, by deleting lines 9 through 19 and inserting:

"*2. After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this state at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial three judges must be elected by the qualified electors of this state at the first general election following the enactment of this section. The initial terms of the judges must be staggered so that one judge serves for an initial term of 2 years, one for 4 years and one for 6 years. The initial judges shall meet as soon as practicable after their election to determine by lot the term of office that each judge will fill. If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this state at the first general election following the increase for a term beginning on the first Monday of January next after the election. The legislature shall provide for an initial term of 6 or fewer years for each additional judge so that one-third of the total number of judges, as nearly as may be, is elected every 2 years. If the number of judges is increased by more than one, the additional judges shall meet as soon as practicable after their election to determine by lot the term of office that each judge will fill.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Segerblom, Ohrenschall, de Braga, Carpenter, Braunlin, Neighbors, Mortenson, Bache, Lee, Sandoval, Humke, Parks, Close, Amodei, Buckley, Evans, Herrera, Arberry, Koivisto, Chowning, Collins, Von Tobel, Anderson, Manendo, Tiffany, Cegavske, Perkins, Hettrick, Ernaut, Berman, Freeman, Lambert, Gustavson, Nolan, Marvel, Goldwater, Williams, Hickey, Giunchigliani, Price, Dini and Krenzer:

Assembly Concurrent Resolution No. 34—Congratulating the town of Searchlight, Nevada, on its 100th birthday.

Assemblywoman Segerblom moved the adoption of the resolution.

Remarks by Assemblymen Segerblom and Humke.

Resolution adopted.

Assemblywoman Segerblom moved that all rules be suspended and that Assembly Concurrent Resolution No. 34 be immediately transmitted to the Senate.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:06 p.m.

ASSEMBLY IN SESSION

At 12:07 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 35—Memorializing former Speaker of the Assembly Cyril O. Bastian.

WHEREAS, The members of the 69th session of the Nevada Legislature were saddened to hear of the recent passing of former Speaker of the Assembly Cyril O. Bastian on March 5, 1997; and

WHEREAS, Cyril Bastian was born in Leeds, Utah, on October 22, 1903, to Lewis H. and Pearl Huntsman Bastian; and

WHEREAS, After receiving his education in Utah, Cyril met and married Vilda Robinson on June 4, 1922; and

WHEREAS, The young couple moved to the town of Alamo in the Paharanagat Valley in Lincoln County in 1929, where Cyril and Vilda Bastian entered the ranching business; and

WHEREAS, Cyril Bastian was first elected to the Assembly of the Nevada Legislature in 1942 and served as an Assemblyman from Lincoln County for many of the legislative sessions between 1943 and 1965, and also as the Chief Clerk of the Assembly in 1957; and

WHEREAS, As an Assemblyman, Cyril Bastian was elected Speaker of the Assembly in the regular session in 1955 and the special session in 1956, was Chairman of the Committee on Taxation for four legislative sessions, was appointed to the Legislative Commission in 1959 and was on numerous other committees including the Committee on Ways and Means; and

WHEREAS, Cyril Bastian was a highly respected member of the Church of Jesus Christ of Latter-Day Saints, and served on the school board, the Chamber of Commerce and the Farm Bureau; and

WHEREAS, Cyril Bastian was preceded in death by his wife Vilda in 1974 and is survived by 7 children, 22 grandchildren, 95 great-grandchildren and 2 great-great grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature extends its heartfelt condolences to the family and friends of former Speaker of the Assembly Cyril O. Bastian; and be it further

RESOLVED, That Cyril O. Bastian will long be remembered as a family man and rancher who was a pillar of his community; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the children of Cyril and Vilda Bastian including Roberta Speirs of Cherry Valley, California, Beatrice Stewart of Alamo, Wilma Brinson of Carson City, Carma Boswell of Sparks, Weldon Bastian of Nampa, Idaho, Grant Bastian of Nampa, Idaho and Zina Johnson of Moundhouse.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Resolution adopted.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 35 be immediately transmitted to the Senate.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 560—An Act relating to elected state officers; increasing the salaries of certain constitutional officers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 561—An Act relating to public officers; establishing a commission to review the compensation of legislators; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:12 p.m.

ASSEMBLY IN SESSION

At 12:13 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 38.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 38:
YEAS — 41.
NAYS — None.
Excused — Carpenter.
Assembly Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 76.
Bill read third time.
Remarks by Assemblymen Buckley and Bache.
Roll call on Assembly Bill No. 76:
YEAS — 41.
NAYS — None.
Excused — Carpenter.
Assembly Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 387.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 387:
YEAS — 41.
NAYS — None.
Excused — Carpenter.
Assembly Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 403.
Bill read third time.
Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 403:

YEAS — 26.

NAYS — Arberry, Braunlin, Buckley, Cegavske, Close, Ernaut, Evans, Goldwater, Gustavson, Hickey, Humke, Lambert, Mortenson, Perkins, Sandoval — 15.

Excused — Carpenter.

Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 420.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 420:

YEAS — 41.

NAYS — None.

Excused — Carpenter.

Assembly Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 431.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Assembly Bill No. 431:

YEAS — 41.

NAYS — None.

Excused — Carpenter.

Assembly Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434.

Bill read third time.

Remarks by Assemblymen Humke and Collins.

Roll call on Assembly Bill No. 434:

YEAS — 41.

NAYS — None.

Excused — Carpenter.

Assembly Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 459:
YEAS — 39.
NAYS — None.
Not voting—Lambert, Sandoval—2.
Excused — Carpenter.
Assembly Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 8.
Resolution read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Joint Resolution No. 8:
YEAS — 41.
NAYS — None.
Excused — Carpenter.
Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 118, 128, 136, 212, 240 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assemblyman Price gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 403 was this day passed.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 180, 271; Assembly Concurrent Resolutions Nos. 29, 30; Senate Bills Nos. 46, 207, 237.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to John Stralla.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Keller.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, June 3, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:35 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-FIFTH DAY

CARSON CITY (Tuesday), June 3, 1997

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

Gracious and merciful God, we thank You that Your mercies are new every morning. In the newness of this day, we ask that You refresh our spirits and empower us with Your peace and wisdom. Be in our words, thoughts and actions that they might seek to bring reconciliation and unity not division and strife. Bless our time this morning as we come together to serve the people of Nevada. Grant us joy as we ask this in Your name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bill No. 452; Assembly Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bill No. 369; Senate Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and re-refer to the Committee on Ways and Means.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 533; Senate Bill No. 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 192, 364, 382.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 133.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 171, 196, 306, 335, 338.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 228, 242, 283, 320.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Adler and Jacobsen as a first Committee on Conference concerning Senate Bill No. 27.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 36—Expressing support for the efforts being made in the State of Nevada to prevent teenage pregnancy.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 37—Urging the Legislative Counsel to recodify certain existing statutes in the criminal law title concerning smoking in public places in the public health title.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Concurrent Resolution No. 23.

Resolution read.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 463.

Amend the preamble of the resolution, page 1, by deleting lines 10 through 18 and inserting:

"WHEREAS, A basic amount of water is necessary for the life-sustaining activities of all residents of mobile parks; and

WHEREAS, All mobile home parks which are constructed after October 1, 1995, in counties whose population is 400,000 or more are required by statute to provide direct water service to individual meters for each lot; and

WHEREAS, Mobile home parks that were constructed before October 1, 1995, may, but are not required by statute to, convert to individual water meters for each lot; and

WHEREAS, The method of charging residents of mobile parks for water should ensure fairness and affordability for those residents; now, therefore, be it".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 171.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 196.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 228.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 242.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 283.

Assemblywoman Buckley moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

Senate Bill No. 306.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 320.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 335.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 338.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 366 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 12:25 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 366.

Bill read second time.

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

Amendment No. 481.

Amend sec. 3, page 1, by deleting lines 7 and 8 and inserting: *reselling or otherwise supplying electricity to a customer.*".

Amend sec. 4, page 1, by deleting lines 9 and 10 and inserting:

"Sec. 4. *"Alternative seller" means a seller of any component of electric service other than a noncompetitive service. The term includes an affiliate of an electric utility. The term does not include an electric utility.*".

Amend sec. 6, page 1, line 12, after "*means*" by inserting: *, with respect to a particular service,*".

Amend sec. 6, page 1, by deleting lines 15 and 16 and inserting:

"*2. The size of each seller's share of the market;*

3. The ability of the sellers to enter or exit the market; and

4. The price and availability of comparable substitutes for the service,".

Amend sec. 7, page 2, line 2, be deleting: "*service or function*" and inserting "*component* ".

Amend sec. 8, page 2, line 4, by deleting "*1.*".

Amend sec. 8, page 2, line 7, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 8, page 2, line 9, by deleting "*(b)*" and inserting "*2.*".

Amend sec. 8, page 2, by deleting lines 10 through 12.

Amend sec. 9, page 2, by deleting lines 13 and 14 and inserting:

"Sec. 9. *"Generation service" means the sale of electricity or capacity from equipment that converts other forms of energy into electricity by the owner of the equipment.*".

Amend sec. 10, page 2, by deleting lines 16 through 18 and inserting: *other component of electric service determined by statute or regulation to be unsuitable for purchase by customers from alternative sellers.*".

Amend sec. 11, page 2, by deleting lines 19 through 22 and inserting:

"Sec. 11. *"Potentially competitive service" means a component of electric service determined by the commission to be suitable for purchase by customers from alternative sellers.*".

Amend sec. 12, pages 2 and 3, by deleting lines 23 through 43 on page 2 and lines 1 through 25 on page 3, and inserting:

"Sec. 12. *1. The date upon which customers may begin obtaining generation, aggregation and any other potentially competitive service from an alternative seller must be no later than July 1, 2001, unless the commission determines that a different date is necessary to protect the public interest. If the commission has not authorized customers to begin obtaining any potentially competitive service from an alternative seller by February 1, 2001, the commission shall provide a report to the legislature on that date which:*

(a) Explains the reason that the commission has not granted such an authorization; and

(b) States whether the commission will grant such an authorization by July 1, 2001.

2. The commission may:

(a) Establish different dates for the provision of different services by alternative sellers in different geographic areas; and

(b) Authorize, in gradual phases, the right to buy from alternative sellers.

3. The commission shall determine that an electric service is a potentially competitive service if provision of the service by alternative sellers:

(a) Will not harm any class of customers;

(b) Will decrease the cost of providing the service to customers in this state or increase the quality or innovation of the service to customers in this state;

(c) Is a service for which effective competition in the market is likely to develop;

(d) Will advance the competitive position of this state relative to surrounding states; and

(e) Will not otherwise jeopardize the safety and reliability of the electric service in this state.

4. If the commission determines that a market for a potentially competitive service does not have effective competition, the commission

shall, by regulation, establish the method for determining prices for the service and the terms and conditions for providing the service. The regulations must ensure that the pricing method, terms and conditions are just and reasonable and not unduly discriminatory. The regulations may include pricing alternatives which authorize the seller to reduce prices below maximum pricing levels specified by the commission or any other form of alternative pricing which the commission determines to be consistent with the provisions of this subsection. In determining whether a market for a potentially competitive service does not have effective competition pursuant to this subsection, the commission shall:

(a) Identify the relevant market;

(b) Identify, where feasible, the alternative sellers that participate in the relevant market; and

(c) Calculate, where feasible, the share of each participant in the market and evaluate the significance of each share.

The commission may reconsider any determination made pursuant to this subsection upon its own motion or upon a showing of good cause by a party requesting a reconsideration. Upon a finding by the commission that the market for a service previously found not to have effective competition has become effectively competitive, the commission shall repeal the regulations which established the pricing method for that service and the terms and conditions for providing that service.

5. Commencing on the date on which customers are authorized to obtain a potentially competitive service from alternative sellers, an electric utility shall not provide the potentially competitive service except through an affiliate licensed pursuant to section 13 of this act.

6. The commission shall design, conduct and evaluate at least one pilot project regarding retail competition, which must commence not later than July 1, 1998. The commission shall design the project in such a manner that the project:

(a) Provides useful information to the commission, consumers and sellers of electricity regarding the carrying out of competition to provide potentially competitive services;

(b) Prevents any unfair advantage to a seller of a potentially competitive service;

(c) Ensures substantial participation by residential, commercial and industrial customers; and

(d) Prevents any unnecessary delay in the date on which customers may obtain potentially competitive services from alternative sellers.

With respect to a pilot project, the commission possesses all of the relevant powers and duties set forth in sections 2 to 23, inclusive, of this act. The commission shall treat any costs incurred by an electric utility before July 1,

1998, on behalf of customers who participate in a pilot project in the manner set forth in section 19 of this act.".

Amend sec. 13, page 3, by deleting lines 39 through 42 and inserting:

"*3. The commission may deny the application of a prospective alternative seller for a license, or may limit, suspend or revoke a license issued to an alternative seller, if the action is necessary to protect the interests of the public or to enforce the provisions of sections 2 to 23, inclusive, of this act or of a regulation of the commission. In determining whether to take any of those actions, the commission may consider whether the applicant for or holder of such a license, or any affiliate thereof, has engaged in activities which are inconsistent with effective competition.*

4. A city, county or other local governmental entity or a public utility, or any affiliate thereof, which is authorized to provide electric service within the State of Nevada on or before July 1, 1997, and which has an annual operating revenue of less than $250,000,000, is subject to the provisions of sections 2 to 23, inclusive, of this act and any regulations adopted by the commission that are in effect on the date on which the city, county or other local governmental entity or public utility, or an affiliate thereof:

(a) Applies to obtain a license as an alternative seller; or

(b) Directly or indirectly attempts to provide, or act on behalf of an alternative seller in the provision of, electric service in the territory served by another city, county or other local governmental entity or public utility, or an affiliate thereof.".

Amend sec. 15, pages 4 and 5, by deleting lines 7 through 44 on page 4 and lines 1 through 5 on page 5, and inserting:

"Sec. 15. *1. The commission shall monitor the markets for electric services affected by sections 2 to 23, inclusive, of this act to identify and prevent activities that are inconsistent with the goals of sections 2 to 23, inclusive, of this act. The commission shall:*

(a) Proscribe activities that are inconsistent with the goals of sections 2 to 23, inclusive, of this act, and establish penalties for such activities and procedures for imposing the penalties; and

(b) Establish conditions and limitations on the ownership, operation or control of the assets of a provider of an electric service to prevent activities that are inconsistent with the goals of sections 2 to 23, inclusive, of this act and to ensure the development of effective competition for electric service, including, but not limited to, limitations on the ownership, operation or control of:

(1) Transmission facilities; and

(2) Any generation facilities necessary to the reliable and economic operation of the transmission facilities,

In establishing such conditions and limitations, the commission shall consider the financial obligations that a provider of an electric service has,

as of the date on which customers are authorized to obtain a potentially competitive service from alternative sellers, incurred to carry out a statutory obligation of a public utility.

2. Upon a showing of good cause by a party requesting an investigation or upon a motion of the commission, the commission shall conduct an investigation to determine whether the markets for electric service are functioning in a manner consistent with sections 2 to 23, inclusive, of this act. The investigation must include, but is not limited to, the effect on the market of:

(a) Mergers, consolidations or acquisitions of the assets or the securities of providers of electric services;

(b) The disposition of ownership, operation or control of the assets of providers of electric services;

(c) Transmission congestion or constraints; and

(d) Anticompetitive or discriminatory conduct.

3. The commission may require an alternative seller or an electric utility to provide information, including, but not limited to, documents and testimony, in accordance with the regulations of the commission relating to the discovery of information relating to a provider of electric service.

4. If evidence is presented to the commission that anticompetitive or discriminatory conduct, including, but not limited to, the unlawful exercise of market power, is denying customers the benefits of effective competition in a market for electric services, the commission shall consult with the attorney general and transmit any evidence of a violation of the law of this state to the attorney general and, if appropriate, inform the United States Department of Justice and any appropriate federal agency.".

Amend sec. 16, page 5, line 24, after "*provide*" by inserting "*potentially*".

Amend sec. 16, page 5, line 25, after "*providing*" by inserting "*potentially*".

Amend sec. 16, page 5, line 28, after "*a*" by inserting "*potentially*".

Amend sec. 16, page 5, by deleting lines 31 and 32 and inserting:

"*give the utility a reasonable opportunity to recover the costs it has incurred.*".

Amend sec. 17, page 5, line 40, by deleting "*that permit*" and inserting: *for noncompetitive services that allow*".

Amend sec. 18, page 6, by deleting lines 26 through 33 and inserting:

"*3. The commission shall establish minimum terms and conditions pursuant to which electric service must be provided, including, but not limited to, a minimum period during which a customer must continue to take electric service. The price charged for electric service for a particular group of customers must reflect the incremental cost of serving the group.*

4. If the provider of such electric service is an electric utility, the utility shall provide the service through an affiliate whose sole business activity is the provision of that electric service.".

Amend sec. 19, pages 6 and 7, by deleting lines 34 through 42 on page 6 and lines 1 through 22 on page 7, and inserting:

"Sec. 19. *1. For each electric utility, the commission shall determine the recoverable costs associated with assets or obligations that are documented in the accounting records of the electric utility and are properly allocable to a particular potentially competitive service as of the date on which customers are authorized to obtain such a service from alternative sellers. Shareholders of the electric utility must be compensated fully for all such costs determined by the commission. In determining the costs, the commission shall take into account:*

(a) The extent to which the electric utility was legally required to incur the costs for the assets and obligations;

(b) The extent to which the market value of the assets and obligations of the utility relating to the provision of potentially competitive services exceeds the costs for the assets and obligations;

(c) The effectiveness of the efforts of the electric utility to increase and realize the market value of any assets and obligations associated with the provision of potentially competitive services;

(d) The extent to which the rates previously established by the commission have compensated shareholders for the risk of not recovering the costs for the assets and obligations;

(e) The effects of the difference between the market value and the costs for the assets and obligations, including, but not limited to, tax considerations; and

(f) If the electric utility had the discretion to determine whether to incur the costs, the conduct of the electric utility with respect to the costs for the assets and obligations when compared to other utilities with similar obligations to serve the public.

2. For the purposes of this section, the commission may impose a procedure for the direct and unavoidable recovery from ratepayers of a portion of the past costs which are determined by the commission to be owed by the ratepayers. The procedure must include a determination of the period over which the recovery may occur. Such a determination must not discriminate against a participant in the market.".

Amend sec. 20, page 7, line 37, by deleting "*alternate providers*" and inserting "*alternative sellers*".

Amend sec. 21, page 8, line 8, by deleting: *An estimate of the revenue*" and inserting "*The revenue*".

Amend sec. 22, page 8, by deleting lines 18 through 21 and inserting:

"Sec. 22. *1. The commission shall develop and publish a report which must:*

(a) Be published not later than July 1, 2000, and every third year thereafter.

(b) Be based upon the information filed pursuant to subsection 3.".

Amend sec. 22, pages 8 and 9, by deleting lines 39 through 44 on page 8 and lines 1 through 17 on page 9, and inserting:

"*(g) Evaluate whether sufficient capacity will be available to customers at a reasonable price and will be selected by customers after the commission has authorized the provision of potentially competitive services by alternative sellers.*

(h) Include a description of the facilities needed to meet future requirements.

(i) Evaluate the extent to which electric service is subject to competition and the actions necessary to accommodate or facilitate competition in the provision of electric services.

2. If the commission determines that sufficient capacity will not be available to customers at a reasonable price, the commission may establish equitable obligations for customers, electric utilities or alternative sellers to ensure that sufficient capacity is made available. Any obligation that discriminates against or unduly burdens an electric utility, an alternative seller or a customer is not reasonable and may not be imposed by the commission. The commission may adopt regulations that specify the method or procedures which will be used to ensure the requirements for capacity are satisfied. The methods or procedures may include competitive solicitations to fill the requirements or any other procedures or methods deemed appropriate and necessary by the commission.

3. Each entity providing a potentially competitive service or a noncompetitive service shall submit to the commission annually, in the format prescribed by the commission, information that the commission determines is necessary to:

(a) Monitor the development of competition to provide electric services; and

(b) Ensure the availability of adequate, reliable, efficient and economic electric service.".

Amend sec. 23, page 9, line 25, by deleting "*retail*".

Amend sec. 23, page 9, line 27, by deleting "*retail*".

Amend the bill as a whole by deleting sec. 25 and the leadlines of repealed sections and renumbering sec. 26 as sec. 25.

Amend the bill as a whole by renumbering sections 27 and 28 as sections 29 and 30 and adding new sections designated sections 26 through 28, following sec. 26, to read as follows:

"Sec. 26. The commission shall adopt regulations to carry out the provisions of this act not later than July 1, 1999.

Sec. 27. In the quarterly report for the first quarter of 1999, which must be submitted by the commission pursuant to section 23 of this act, the commission shall provide a comprehensive evaluation of the development of the markets for potentially competitive services since July 1, 1997.

Sec. 28. Any interim study conducted by the Legislative Commission regarding the provision of electric service in this state must include:

1. A recommendation regarding whether NRS 704.736, 704.741, 704.743, 704.746 and 704.751 should be continued, repealed or amended.

2. An evaluation of whether or the extent to which:

(a) Requirements should be established regarding the use of renewable resources and the creation of programs to improve energy efficiency; and

(b) The diversity of fuel, the diversity of generation resources or any economic or environmental factors should be considered in determining the optimal combination of generation resources necessary to meet the requirements for electric energy in this state.".

Amend sec. 28, page 11, by deleting lines 35 through 37 and inserting:

"Sec. 30. This act becomes effective on July 1, 1997.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, Ernaut, Buckley, Goldwater, Giunchigliani, de Braga, Koivisto, Collins, Lambert and Sandoval.

Conflicts of interest declared by Assemblymen de Braga, Koivisto, Lambert and Sandoval.

Potential conflict of interest declared by Assemblyman Collins.

Amendment adopted.

The following amendment was proposed by Assemblyman Collins:

Amendment No. 483.

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. *An electric utility shall take reasonable steps to minimize layoffs and any other adverse effects on its employees that result from the operation of sections 2 to 23, inclusive, of this act. The commission shall allow recovery of reasonable costs incurred by the utility to address those adverse effects, including, without limitation, costs for severance pay, retraining, early retirement and job placement. The commission shall determine a method to provide for the recovery of such costs in a manner that is nondiscriminatory and consistent with the sections 2 to 23, inclusive, of this act.*".

Assemblyman Collins withdrew the amendment.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 123.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 460.

Amend the bill as a whole by deleting sections 1 through 6 and inserting:

"Secs. 1-6. (Deleted by amendment.)".

Amend sec. 8, page 4, line 13, by deleting "*and micrographics*".

Amend sec. 8, page 4, line 37, by deleting "*and micrographics*".

Amend sec. 10, page 5, by deleting lines 15 and 16 and inserting:

"(a) Include:

(1) A statement of the need for and purpose of the proposed regulation.".

Amend sec. 10, page 5, line 19, by deleting "The" and inserting: "A statement of the".

Amend sec. 10, page 5, line 26, by deleting "Any" and inserting: "A description of any".

Amend sec. 10, page 5, line 28, after "necessary." by inserting: "If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

(6) If the regulation is required pursuant to federal law, a citation and description of the federal law.

(7) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.".

Amend sec. 10, page 5, line 29, by deleting "(6)" and inserting "(8)".

Amend sec. 11, page 6, line 9, by deleting "agency regulation" and inserting: "regulation of an agency".

Amend sec. 11, page 6, lines 11 and 12 by deleting: "policy, every permanent regulation [shall] *must*" and inserting: "policy:

(a) The attorney general shall develop guidelines for drafting regulations; and

(b) Every permanent regulation must".

Amend sec. 11, page 6, line 15, by deleting "[shall] *must*" and inserting "must".

Amend sec. 13, page 6, by deleting lines 36 and 37 and inserting:

"2. The legislative counsel shall cause to be included in the Nevada Administrative Code the [date] *:*

(a) Date on which an agency last completed a review of its regulations pursuant to paragraph (e) of subsection 1 of NRS 233B.050 [.] *; and*

(b) Citation of authority pursuant to which the agency".

Amend sec. 13, page 6, line 39, by deleting "*3.*" and inserting "3.".

Amend sec. 13, page 6, line 40, by deleting "and micrographics".

Amend sec. 13, page 7, line 8, by deleting "[3.] *4.*" and inserting "4.".

Amend sec. 13, page 7, line 14, by deleting "[4.] *5.*" and inserting "5.".

Amend sec. 13, page 7, line 15, by deleting "and micrographics".

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 14, to read as follows:

"Sec. 15. 1. This section and sections 7, 8, 9, 12 and 14 of this act, become effective on October 1, 1997.

2. Sections 10, 11 and 13 of this act become effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill by deleting the first through fourth lines and inserting: "An Act relating to the legislative counsel bureau; requiring the legislative counsel to prepare and".

Amend the summary of the bill to read as follows: "Summary—Imposes additional duties upon legislative counsel. (BDR 18-238)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Assemblywoman Giunchigliani moved that Assembly Bill No. 123 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 499.

Amend section 1, page 1, by deleting line 2 and inserting:

"4.063 1. [In a county whose population is 100,000 or more, the] *The* justice".

Amend section 1, page 1, by deleting lines 6 and 7 and inserting: "and collect *:*

(a) In a county whose population is 100,000 or more but less than 400,000, a fee of *not less than* $5 *but not more than $10; or*

(b) In a county whose population is 400,000 or more, a fee of $5,

from the party commencing, answering or appearing in the action or proceeding. [These fees are] *The fee required pursuant to this section is* in addition to any other".

Amend sec. 2, page 2, by deleting line 11 and inserting: "19.0313 1. [In a county whose population is 100,000 or more, the] *The*".

Amend sec. 2, page 2, by deleting lines 15 and 16 and inserting: "is required, charge and collect *:*

(a) In a county whose population is 100,000 or more but less than 400,000, a fee of *not less than* $5 *but not more than $10; or*

(b) In a county whose population is 400,000 or more, a fee of $5,

from the party commencing, answering or appearing in the action or proceeding. [These fees are] *The fee required pursuant to this section is* in addition".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 259.

Bill read second time and ordered to third reading.

Assembly Bill No. 312.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 500.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. NRS 50.310 is hereby amended to read as follows:

50.310 1. The affidavit *or declaration* of a laboratory director who has qualified in the district court of any county as an expert witness to testify regarding the results of a test of a medical laboratory, is admissible in evidence in any civil, criminal or administrative proceeding to prove:

(a) That the affiant *or declarant* is a laboratory director.

(b) The results of a test that the medical laboratory is licensed to conduct and which is conducted by the medical laboratory of which the affiant *or declarant* is the laboratory director.

The affidavit *or declaration* must contain the evidentiary foundation upon which the results of the test are based, including , *without limitation,* the description of the test, the personnel involved and the controls employed in conducting the test.

2. As used in this section:

(a) "Laboratory director" has the meaning ascribed to it in NRS 652.050.

(b) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

Sec. 2. NRS 50.315 is hereby amended to read as follows:

50.315 1. Except as otherwise provided in subsections 6 and 7, [a person's] *the* affidavit *or declaration of a person* is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That [he] *the affiant or declarant* has been certified by the director of the department of motor vehicles and public safety as being competent to

operate devices of a type certified by the committee on testing for intoxication as accurate and reliable for testing a person's breath to determine the amount by weight of alcohol in his breath;

(b) The identity of a person from whom the affiant *or declarant* obtained a sample of breath; and

(c) That the affiant *or declarant* tested the sample using a device of a type so certified and that the device was functioning properly.

2. Except as otherwise provided in subsections 6 and 7, the affidavit *or declaration* of a person who prepared a chemical solution or gas that has been used in calibrating a device for testing another's breath to determine the amount of alcohol in his breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The [affiant's occupation;] *occupation of the affiant or declarant;* and

(b) That [he prepared a] *the* solution or gas [having] *has* the chemical composition necessary for accurately calibrating it.

3. Except as otherwise provided in subsections 6 and 7, the affidavit *or declaration* of a person who calibrates a device for testing another's breath to determine the amount of alcohol in his breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The [affiant's occupation;] *occupation of the affiant or declarant;*

(b) That on a specified date [he] *the affiant or declarant* calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the committee on testing for intoxication;

(c) That the calibration was performed within the period required by the committee's regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

4. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The identity of the person from whom the affiant or declarant withdrew the sample;

(c) The fact that the affiant or declarant kept the sample in his sole custody or control and in substantially the same condition as when he first obtained it until delivering it to another; and

(d) The identity of the person to whom the affiant or declarant delivered it.

5. Except as otherwise provided in subsections 6 and 7, the affidavit *or declaration* of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a

controlled substance, chemical, poison or organic solvent may be admitted in any criminal , *civil* or administrative proceeding to prove:

(a) The occupation of the affiant [;] *or declarant;*

(b) The fact that the affiant *or declarant* received a sample or other evidence from another person and kept it in his sole custody or control in substantially the same condition as when he first received it until delivering it to another; and

(c) The identity of the person to whom the affiant *or declarant* delivered it.

6. If, at or before the time of the trial, the defendant establishes that:

(a) There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and

(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined,

the court may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify in court to any information contained in the affidavit or declaration.

8. The committee on testing for intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 3. NRS 50.320 is hereby amended to read as follows:

50.320 1. The affidavit *or declaration* of a chemist and any other person who has qualified in the district court of any county to testify as an expert witness regarding the presence in the breath, blood or urine of a person of alcohol, a controlled substance, or a chemical, poison or organic solvent, or the identity or quantity of a controlled substance alleged to have been in the possession of a person, which is submitted to prove:

(a) The quantity of the purported controlled substance; or

(b) The amount of alcohol or the presence or absence of a controlled substance, chemical, poison or organic solvent, as the case may be,

is admissible in the manner provided in this section.

2. An affidavit *or declaration* which is submitted to prove any fact set forth in subsection 1 must be admitted into evidence when submitted during any administrative proceeding, preliminary hearing or hearing before a grand jury. The court shall not sustain any objection to the admission of such an affidavit [.] *or declaration.*

3. The defendant may object in writing to admitting into evidence an affidavit *or declaration* submitted to prove any fact set forth in subsection 1 during his trial. If the defendant makes such an objection, the court shall not admit the affidavit *or declaration* into evidence and the prosecution may cause the person to testify in court to any information contained in the affidavit [.] *or declaration.*

Sec. 4. NRS 616C.230 is hereby amended to read as follows:

616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, of NRS for an injury:

(a) Caused by the employee's willful intention to injure himself.

(b) Caused by the employee's willful intention to injure another.

(c) Proximately caused by the employee's intoxication. If the employee was intoxicated at the time of his injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

(d) Proximately caused by the employee's use of a controlled substance. If the employee had any amount of a controlled substance in his system at the time of his injury for which the employee did not have a current and lawful prescription issued in his name, the controlled substance must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

For the purposes of paragraphs (c) and (d), the affidavit *or declaration* of an expert or other person described in NRS 50.315 is admissible to prove the existence of any alcohol or the existence, quantity or identity of a controlled substance in an employee's system. If the affidavit *or declaration* is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.

2. No compensation is payable for the death, disability or treatment of an employee if his death is caused by, or insofar as his disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

3. If any employee persists in an unsanitary or injurious practice that imperils or retards his recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his recovery, his compensation may be reduced or suspended.

4. An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of his employment; and

(b) It is within the ability of the employee to correct the nonindustrial condition or injury.

The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.

Sec. 5. NRS 616C.355 is hereby amended to read as follows:

616C.355 At any time 10 or more days before a scheduled hearing before an appeals officer, the administrator, the manager or the manager's designee, a party shall mail or deliver to the opposing party any affidavit *or declaration* which he proposes to introduce into evidence and notice to the effect that unless the opposing party, within 7 days after the mailing or delivery of such affidavit [,] *or declaration,* mails or delivers to the proponent a request to cross-examine the affiant [,] *or declarant,* his right to cross-examine the affiant *or declarant* is waived and the affidavit [,] *or declaration,* if introduced into evidence, will have the same effect as if the affiant *or declarant* had given sworn testimony before the appeals officer, the administrator, the manager or the manager's designee.".

Amend the title of the bill to read as follows: "An Act relating to legal documents; revising provisions that authorize the use of an affidavit to specifically authorize the use of a declaration in lieu of an affidavit; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions that authorize use of affidavit to specifically authorize use of declaration in lieu of affidavit. (BDR 4-663)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 501.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sections 3 and 4 as sections 6 and 7 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is being supervised electronically pursuant to NRS 211.250 to 211.300, inclusive, who:

(a) Is absent or attempts to be absent from his residence, employment or other activity authorized by the supervising agency without authorization; or

(b) Removes or disables or attempts to remove or disable the electronic device used to supervise the person,

is guilty of a misdemeanor and shall be punished as provided in NRS 193.150.

2. In addition to any other penalty, the court shall order the person to pay restitution for any damage to or loss of the electronic device used to supervise the person.

3. A sentence imposed pursuant to this section must run consecutively with the sentence imposed for the original offense.

Sec. 2. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who is sentenced to a term of residential confinement and is being supervised electronically who:

1. Is absent or attempts to be absent from his residence, employment or other activity authorized by the supervising agency without authorization; or

2. Removes or disables or attempts to remove or disable the electronic device used to supervise the person,

shall be punished in the manner set forth in section 1 of this act.

Sec. 3. NRS 4.376 is hereby amended to read as follows:

4.376 As used in NRS 4.3762 to 4.3768, inclusive, *and section 2 of this act,* "residential confinement" means the confinement of a person convicted of a misdemeanor to his place of residence under the terms and conditions established by the sentencing court.

Sec. 4. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who is sentenced to a term of residential confinement and is being supervised electronically who:

1. Is absent or attempts to be absent from his residence, employment or other activity authorized by the supervising agency without authorization; or

2. Removes or disables or attempts to remove or disable the electronic device used to supervise the person,

shall be punished in the manner set forth in section 1 of this act.

Sec. 5. NRS 5.0755 is hereby amended to read as follows:

5.0755 As used in NRS 5.076, 5.077 and 5.078, *and section 1 of this act,* "residential confinement" means the confinement of a person convicted of a misdemeanor to his place of residence under the terms and conditions established by the sentencing court.".

Amend the title of the bill, second and third lines, by deleting: "clarifying the penalty for escaping from electronic supervision under certain circumstances;".

Amend the summary of the bill to read as follows: "Summary—Provides penalty for certain violations of conditions of electronic supervision. (BDR 16-1177)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 412.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 498.

Amend section 1, page 1, line 12, after "*5* " by inserting "*business*".

Amend section 1, page 2, line 6, after "*5* " by inserting "*business*".

Amend section 1, page 2, between lines 9 and 10, by inserting:

"*5. The central repository may charge a reasonable fee for performing a background check and notifying a person of the results of the background check pursuant to this section.*

6. The failure of a person to request the central repository to perform a background check pursuant to this section before transferring a firearm to another person does not give rise to any civil cause of action.".

Amend sec. 4, page 4, by deleting lines 7 through 28 and inserting:

"202.360 1. A person who has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless he has received a pardon and *the pardon does not restrict* his right to bear arms , [has been specifically restored,] shall not own or have in his possession or under his custody or control any firearm.".

Amend the title of the bill to read as follows: "An Act relating to weapons; authorizing a private person who wishes to transfer a firearm to another person to obtain certain information from the central repository for Nevada records of criminal history about the person wishing to acquire the firearm; making various other changes concerning the ability of a person to own or possess a firearm; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 438.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 497.

Amend sec. 4, page 5, by deleting lines 25 and 26 and inserting: "specifically finds *by clear and convincing evidence* that the [child was not a principal actor in the offense or that exceptional circumstances exist because the] child's actions were".

Amend sec. 4, page 5, by deleting lines 30 through 34 and inserting:

"3. [Except as otherwise provided in subsection 4, after such] *If a child is certified for criminal proceedings as an adult pursuant to*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 457.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 479.

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

"Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who is arrested for a violation of a term or condition of his suspended sentence or residential confinement must be:

1. Informed of the alleged violation of his suspended sentence or residential confinement;

2. Notified of the place and time that he will be taken before a justice of the peace to determine whether he violated any condition of his suspended sentence or residential confinement; and

3. Taken before a justice of the peace within 48 hours.".

Amend the bill as a whole by renumbering sections 3 through 9 as sections 5 through 11, and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who is arrested for a violation of a term or condition of his suspended sentence or residential confinement must be:

1. Informed of the alleged violation of his suspended sentence or residential confinement;

2. Notified of the place and time that he will be taken before a municipal judge to determine whether he violated any condition of his suspended sentence or residential confinement; and

3. Taken before a municipal judge within 48 hours.".

Amend sec. 6, page 6, line 19, after "*4.*" by inserting: "*A probationer who is arrested pursuant to this section is entitled to the rights provided in sections 1 and 4 of this act, as applicable.*

5.".

Amend sec. 8, page 7, line 17, by deleting: "1 and 3" and inserting: "2 and 5".

Amend the title of the bill, first line, after "crimes;" by inserting: "providing that a person who is arrested for a violation of a condition of his

suspended sentence or residential confinement must be taken before a justice of the peace or municipal judge within 48 hours;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 509.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 12.

Resolution read second time and ordered to third reading.

Senate Bill No. 23.

Bill read second time and ordered to third reading.

Senate Bill No. 70.

Bill read second time and ordered to third reading.

Senate Bill No. 71.

Bill read second time and ordered to third reading.

Senate Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 496.

Amend sec. 11, page 4, by deleting line 33 and inserting: "of Assembly Bill No. 39 of this session, if the court finds that a".

Amend sec. 11, page 4, line 34, by inserting a comma after "chapter".

Amend sec. 11, page 4, line 44, by inserting a comma after "agency".

Amend sec. 11, page 5, by deleting lines 15 through 20 and inserting:

"(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction,

to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution.".

Amend sec. 31, page 11, line 6, by deleting "12:01" and inserting "12:02".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 175.
Bill read second time and ordered to third reading.

Senate Bill No. 216.
Bill read second time and ordered to third reading.

Senate Bill No. 336.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 178 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblywoman Buckley.
Motion carried.

Assemblywoman Evans moved that the vote whereby Assembly Concurrent Resolution No. 36 was referred to the Committee on Health and Human Services be rescinded.
Remarks by Assemblywoman Evans.
Motion carried.

Assemblywoman Evans moved that Assembly Concurrent Resolution No. 36 be placed on the Chief Clerk's desk.
Motion carried.

In compliance with a notice given on a previous day, Assemblyman Price moved that the vote whereby Assembly Bill No. 403 was passed be reconsidered.
Motion carried.

Assemblyman Price moved that Assembly Bill No. 403 be placed on the General File immediately following Assembly Bill No. 460.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 104.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 104:
YEAS — 42.
NAYS — None.

Assembly Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 358.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 358:

YEAS — 27.

NAYS — Amodei, Braunlin, Cegavske, de Braga, Dini, Ernaut, Gustavson, Hettrick, Humke, Lambert, Marvel, Neighbors, Sandoval, Tiffany—14.

Not voting — Carpenter.

Assembly Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 360.

Bill read third time.

Remarks by Assemblymen Sandoval and Price.

Roll call on Assembly Bill No. 360:

YEAS — 40.

NAYS — None.

Not voting — Lee, Marvel —2.

Assembly Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 435.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 435:

YEAS — 42.

NAYS — None.

Assembly Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 460:

YEAS — 42.

NAYS — None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 516.

Amend sec. 13, page 4, line 10, by deleting "examiners" and inserting "finance".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to General File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 118, 128, 136, 198, 212, 223, 240 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 350 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 68, 114, 120, 144, 154, 189, 250, 251, 324; Senate Bill No. 227; Senate Joint Resolution No. 11; Senate Concurrent Resolutions Nos. 44, 45.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Hicks.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Claudia Erickson, Robert Dungan and Scott Chalfant.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Stan Scheiner.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Jerrie Pearson.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Dianne Steel.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Lou Eells.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Burgwardt-Hunter and Ray Wilke.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Duckett and Corine Claiborne.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Augspurger and Judy Moore.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Don Peterson and Merle Schnaidt.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, June 4, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 1:38 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-SIXTH DAY

CARSON CITY (Wednesday), June 4, 1997

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

Eternal God, You are the same yesterday, today and forever, in Your unchanging and constant love for us to let go of those things of the past we cannot change. Enable us to let go of worry and anxious thoughts about tomorrow. Instead, help us to concentrate on what You have called us to do this day. Give us clarity of thought and purpose for the task at hand as we trust in Your guidance. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 131, 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 433, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Joint Resolution No. 16—Expressing support for the Nevada Test Site Development Corporation and for the proposal by Kistler Aerospace to make use of the Nevada Test Site for licensed aerospace vehicle operations.

WHEREAS, For many years the residents of the State of Nevada have contributed to the national security of the United States through their support of the Nevada Test Site; and

WHEREAS, The State of Nevada has supported the national security mission of the Nevada Test Site throughout the administration of 13 governors and countless legislators; and

WHEREAS, Many sacrifices were made by the residents of the State of Nevada which contributed to the victory of the United States in the Cold War through the technologies which were developed and advanced at the Nevada Test Site; and

WHEREAS, In appreciation of these sacrifices, any new commercial uses of the Nevada Test Site authorized by the United States Department of Energy must benefit the residents of the State of Nevada through new employment opportunities, development of high technology industries and jobs, and economic diversification; and

WHEREAS, The Nevada Test Site has unique attributes that have the potential to attract investors and scientists with exciting new technologies to the State of Nevada, making the Nevada Test Site a valuable asset of this state and making new commercial projects at the Nevada Test Site worthy of the support of the Governor and Legislators of the State of Nevada; and

WHEREAS, The Department of Energy urged Governor Bob Miller to create a community reuse organization to support and sponsor new economic development projects at the Nevada Test Site, and in response, Governor Miller formed the Nevada Test Site Development Corporation, a nonprofit, community-based organization representative of business, finance, education, government and concerned residents of this state; and

WHEREAS, Kistler Aerospace Corporation has proposed to use the Nevada Test Site to develop and operate commercially the world's first fully reusable aerospace vehicle that will deploy satellites and other payloads to low earth orbit; and

WHEREAS, Kistler Aerospace is under the leadership of Dr. George Mueller, former director of the Apollo program, as well as other successful leaders from business, finance and the United States space program; and

WHEREAS, Governor Bob Miller, the Nevada Congressional Delegation and the residents of the State of Nevada who serve on the Board of Directors of the Nevada Test Site Development Corporation have expressed their united support for the Kistler Aerospace proposal; and

WHEREAS, The Department of Energy, the Air Force and federal laboratories have assigned a site for an operations base at the Nevada Test Site for Kistler Aerospace; and

WHEREAS, Kistler Aerospace has applied for a license from the Federal Aviation Administration of the Department of Transportation that will determine the effect on public safety and the environmental consequences of Kistler's proposed operations base; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 69th Session of the Nevada Legislature do hereby support the efforts of the Nevada Test Site Development Corporation, and the residents of the State of Nevada who serve on its Board of Directors, to sponsor economic development projects at the Nevada Test Site which will promote economic diversification, new employment opportunities and utilize the Nevada Test Site for the benefit of the State of Nevada; and be it further

RESOLVED, That the Nevada Legislature supports the partnership between the Nevada Test Site Development Corporation and Kistler Aerospace Corporation as well as Kistler Aerospace's proposal to use the Nevada Test Site for licensed aerospace vehicle operations which will generate employment in highly technological positions placing the State of Nevada

in the forefront of a new era in space exploration, providing an additional source of pride and accomplishment for the residents of the State of Nevada; and be it further

RESOLVED, That the Nevada Legislature hereby congratulates Governor Bob Miller and the Nevada Congressional Delegation, which consists of Senator Harry Reid, Senator Richard Bryan, Congressman John Ensign and Congressman Jim Gibbons, for their vision and support for economic development projects at the Nevada Test Site and Kistler Aerospace's proposal to use the Nevada Test Site for licensed aerospace vehicle operations, and urges continued support by the Federal Government and local and state agencies to ensure the success of this proposal; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Bob Miller and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Joint Resolution No. 17—Proposing to amend the constitution of the State of Nevada to require that the Governor and the Lieutenant Governor be affiliated with the same political party and be elected jointly.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That sections 2 and 4 of article 5 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec.* 2. The Governor [shall] *and Lieutenant Governor must be affiliated with the same political party, if any, and must* be elected *jointly* by the *casting by each* qualified [electors] *elector of a single vote applicable to both offices* at the time and places of voting for members of the Legislature . [, and] *The Governor and Lieutenant Governor* shall hold [his] office for [Four Years] *four years* from the time of [his] *their* installation, and until [his successor shall be] *their successors are* qualified. *Each candidate for Governor shall file jointly with a candidate for Lieutenant Governor or otherwise comply with nomination procedures provided by law so that the offices of Governor and Lieutenant Governor are voted upon together.*

[Section] *Sec.* 4. The returns of every election for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the secretary of state, and the chief justice of the supreme court, and the associate justices, or a majority thereof, shall meet at the office of the secretary of state, on a day to be fixed by law, and open and canvass the election returns for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, and forthwith declare the result and publish the names of the persons elected and the results of the vote cast upon any question submitted to the electors of the State of Nevada. The persons *or, in the case of the offices of governor and lieutenant governor, the team of persons* having the highest number of votes for the respective offices shall be declared elected, but in case any two or more *persons or teams* have an equal and the highest number of votes for the same office, the legislature shall, by joint vote of both houses, elect one of [said persons to fill said office.] *the persons or teams to fill the office or offices.*

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Judiciary:

Assembly Joint Resolution No. 18—Proposing to amend the Nevada constitution to authorize a waiver or deferment of the filing fee in a civil action.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 16 of article 6 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 16. *1.* The Legislature at its first Session, and from time to time thereafter shall provide by law, that *, except as otherwise provided in subsection 2,* upon the institution of each civil action, and other proceedings, and also upon the perfecting of an appeal in any civil action or proceeding, in the several Courts of Record in this State, a special Court fee, or tax shall be advanced to the Clerks of said Courts, respectively by the party or parties bringing such action or proceeding, or taking such appeal and the money so paid in shall be accounted for by such Clerks, and applied towards the payment of the compensation of the Judges of said Courts, as shall be directed by law.

2. The Legislature may provide by law for a waiver or deferment of the fee required pursuant to subsection 1 under such circumstances as the Legislature determines to be appropriate.

Assemblyman Anderson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 38—Directing the Legislative Commission to conduct an interim study to consider the standardization of city charters.

Assemblyman Bache moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assembly Concurrent Resolution No. 25.

Assemblywoman Krenzer moved the adoption of the resolution.

Remarks by Assemblywoman Krenzer.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 451.

Amend section 1, page 1, by deleting lines 1 through 8 and inserting:

"Section 1. 1. The Regional Transportation Commission of Clark County and the Nevada Department of Transportation shall, in cooperation with each affected local governmental entity, determine the feasibility of constructing an elevated fixed guideway system of mass transit to provide

transportation between the northwest portion of the Las Vegas Valley and downtown Las Vegas.

2. In carrying out the duties set forth in subsection 1, the Regional Transportation Commission of Clark County and the Nevada Department of Transportation shall:

(a) Consider more than one suitable alignment for the guideway system, including, but not limited to, the right of way appurtenant to U.S. Highway No. 95.

(b) Consider that the construction of an elevated fixed guideway system of mass transit to provide transportation between the northwest portion of the Las Vegas Valley and downtown Las Vegas would be in addition to any improvements planned for U.S. Highway No. 95.

3. If the Regional Transportation Commission of Clark County and the Nevada Department of Transportation determine pursuant to subsection 1 that the construction of an elevated fixed guideway system of mass transit is feasible, the Commission and the Department shall cooperatively develop plans to address the details of constructing the system, including, but not limited to:

(a) Financing;

(b) Determining and mitigating environmental effects; and

(c) Carrying out the construction in incremental phases.".

Amend section 1, page 1, line 9, by deleting "2." and inserting "4.".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section, following section 1, to read as follows:

"Sec. 2. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.".

Amend the title of the bill to read as follows: "An Act relating to transportation; directing the Regional Transportation Commission of Clark County and the Nevada Department of Transportation to examine the feasibility of constructing an elevated fixed guideway system of mass transit in a certain part of the Las Vegas Valley; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Directs Regional Transportation Commission of Clark County and Nevada Department of Transportation to examine feasibility of constructing elevated fixed guideway system of mass transit in certain part of Las Vegas Valley. (BDR S-1363)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Parks, Collins and Nolan.

Conflict of interest declared by Assemblyman Parks.

Potential conflict of interest declared by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 484.

Amend the bill as a whole by deleting section 1, renumbering sections 2 and 3 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 321.720 is hereby amended to read as follows:

321.720 The administrator shall develop and make available to cities and counties information useful to land use planning, including:

1. Preparation and continuing revision of a statewide inventory of the land and natural resources of the state;

2. Compilation and continuing revision of data, on a statewide basis, related to population densities and trends, economic characteristics and projections, environmental conditions and trends, and directions and extent of urban and rural growth;

3. Projections of the nature and quantity of land needed and suitable for:

(a) Recreation and esthetic appreciation;

(b) Conservation and preservation of natural resources, agriculture, mineral development [,] and forestry;

(c) Industry and commerce, including the development, generation and transmission of energy;

(d) Transportation;

(e) Urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which possess a narrow economic base;

(f) Rural development, taking into consideration future demands for and limitations upon products of the land; and

(g) Health, educational, and other state and local governmental services;

4. Preparation and continuing revision of an inventory of environmental, geological and physical conditions, including types of soil, which influence the desirability of various uses of land;

5. Preparation and continuing revision of an inventory of state, local government and private needs and priorities concerning the acquisition and use of federal lands within the state;

6. Preparation and continuing revision of an inventory of public and private institutional and financial resources available for land use planning and management within the state and of state and local programs and activities which have a land use impact of more than local concern;

7. Provision, where appropriate, of technical assistance and training programs for state and local agency personnel concerned with the development and implementation of state and local land use programs;

8. Coordination and exchange of land use planning information and data among state agencies and local governments, with the Federal Government, among the several states and interstate agencies, and with members of the public, including conducting of public hearings, preparation of reports [,] and soliciting of comments on reports concerning information useful to land use planning;

9. Coordination of planning for state and local acquisition and use of federal lands within the state, except that in the case of a plan which utilizes both federal and private lands the governing body of the area where private lands are to be utilized has final authority to approve the proposal; [and]

10. *Provision of assistance to counties to develop programs to increase the responsibility of local governments for the management of lands in the State of Nevada that are under federal management; and*

11. Consideration of, and consultation with, the relevant states on the interstate aspects of land use issues of more than local concern.

Sec. 2. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The state land use planning agency shall prepare, in cooperation with appropriate state agencies and local governments throughout the state, plans or policy statements concerning the acquisition and use of lands in *the State of* Nevada [which] *that* are under federal management.

2. The state land use planning agency shall, in preparing the plans and policy statements, identify lands which are suitable for acquisition for:

(a) Commercial, industrial or residential development;

(b) The expansion of the property tax base, including the potential for an increase in revenue by the lease and sale of those lands; or

(c) Accommodating increases in the population of this state.

The plans or policy statements must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

3. The state land use planning agency shall encourage public comment upon the various matters treated in a proposed plan or policy statement throughout its preparation and shall submit its work on a plan or statement of

policy periodically for review and comment by the land use planning advisory council, the advisory board on natural resources and any committees of the legislature or subcommittees of the legislative commission [which] *that* deal with matters concerning the public lands.

4. *Whenever the state land use planning agency prepares plans or policy statements pursuant to subsection 1 and submits those plans or policy statements to the governor, legislature or an agency of the Federal Government, the state land use planning agency shall include with each plan or policy statement the comments and recommendations of:*

(a) The land use planning advisory council;

(b) The advisory board on natural resources; and

(c) Any committees of the legislature or subcommittees of the legislative commission that deal with matters concerning the public lands.

5. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it, and by the governor, before it is put into effect.".

Amend sec. 2, page 2, by deleting lines 11 through 15 and inserting:

"*2. Advise the state land use planning agency regarding the development of plans and policy statements pursuant to subsection 1 of NRS 321.7355.*".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 452.

Bill read second time and ordered to third reading.

Assembly Bill No. 476.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 432.

Amend section 1, page 1, by deleting line 7 and inserting: "*§ 501(c)(3) or (5); and*".

Amend sec. 2, page 1, line 16, by deleting "1997." And inserting: "1997, and expires by limitation on July 1, 2007.".

Amend the title of the bill, first line, by deleting "an" and inserting "a temporary".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 533.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 13.

Resolution read second time and ordered to third reading.

Senate Bill No. 277.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 514.

Amend section 1, page 1, by deleting line 3 and inserting: "of Assembly Bill No. 39 of this session, if the court finds that a".

Amend section 1, page 1, line 4, by inserting a comma after "chapter".

Amend section 1, page 1, line 14, by inserting a comma after "agency".

Amend section 1, page 2, by deleting lines 10 through 15 and inserting:

"(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction,

to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution.".

Amend sec. 4, page 5, line 3, by deleting "12:01" and inserting "12:02".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 337.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 6.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 492.

Amend the resolution, page 1, line 21, after "for the" by inserting: "Southern Nevada Public Land Management Act of 1997 and for the".

Amend the preamble of the resolution, page 1, by deleting line 18 and inserting: "State of Nevada or a local government; and

WHEREAS, During the 105th session of Congress, Representative John Ensign introduced the Southern Nevada Public Land Management Act of 1997 (H. R. No. 449), which, if enacted, would direct the Secretary of the

Interior to dispose of certain Federal lands in the Las Vegas Valley and authorize the State of Nevada to elect to obtain the lands for public purposes; now, therefore, be it".

Amend the title of the resolution, first line, after "for the" by inserting: "Southern Nevada Public Land Management Act of 1997 and for the".

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 452 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Price moved that Assembly Bill No. 476 be re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 150.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 367.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 3 to 6, inclusive, of this act, "state agency" means an agency, bureau, board, commission, department, division or any other unit of the executive department of the state government.*".

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Sec. 3. *1. Upon approval of the state board of finance, a state agency may enter*".

Amend section 1, page 2, by deleting lines 3 through 15 and inserting: "*include a provision that requires the state agency to pay the fee charged by the issuer for the use of the credit card or debit card.*

4. Except as otherwise provided in subsection 5, the payment of fees charged by the issuer for each use of a credit card or debit card must be treated in the same manner as any other administrative cost of the agency.

5. A state agency that is required to pay a fee charged by the issuer for the use of a credit card or debit card may, pursuant to section 6 of this act, file a claim with the director of the department of administration for reimbursement of the fees paid to the issuer during the immediately preceding quarter.".

Amend section 1, page 2, by deleting lines 30 through 32.

Amend the bill as a whole by renumbering sec. 2 as sec. 8 and adding new sections designated sections 4 through 7, following section 1, to read as follows:

"Sec. 4. *1. Upon approval of the state board of finance, a state agency may enter into contracts with financial institutions or other business organizations for the placement of automated tellers at locations where the agency receives payment of money.*

2. Before a state agency may enter into a contract pursuant to subsection 1, the agency must submit the proposed contract to the state treasurer for his review and transmittal to the state board of finance.

3. As used in this section, "automated teller" means an electronic device that dispenses cash in connection with an account maintained in a financial institution or with another business.

Sec. 5. *1. Except as otherwise provided in this subsection and by specific statute, a state agency may charge, in addition to the fee otherwise imposed for a service provided by the agency, a reasonable fee for providing the service in an expedited manner or in a manner that is expeditious or convenient to the customer. A state agency shall not charge a fee pursuant to this subsection if it is otherwise authorized to charge a fee for providing special services.*

2. The fee authorized pursuant to subsection 1 must not exceed 5 percent of the fee otherwise imposed.

3. All fees collected by a state agency pursuant to this section must be deposited with the state treasurer for credit to the account for expedited services, which is hereby created in the state general fund. Any amount remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

Sec. 6. *1. A state agency that has, during the immediately preceding quarter, provided services in an expedited manner or in a manner that is expeditious or convenient to a customer may file a claim with the director of the department of administration for reimbursement of the costs to the agency for providing those services.*

2. Upon receipt of a claim pursuant to subsection 1, the director of the department of administration shall make a recommendation to the interim

finance committee to approve the claim in whole or in part or to deny the claim. If the interim finance committee approves the claim in whole or part, it must be paid from the account for expedited services created by section 5 of this act.

3. The amount of a claim submitted pursuant to this section must not exceed the total amount of the fees deposited by the agency with the state treasurer pursuant to section 4 of this act during the immediately preceding quarter.

Sec. 7. Chapter 354 of NRS is hereby amended by adding thereto the provisions set forth as sections 8, 9 and 10 of this act.".

Amend sec. 2, page 2, by deleting lines 33 through 35 and inserting:

"Sec. 8. *1. A local government may enter into contracts with issuers of credit*".

Amend sec. 2, pages 2 and 3, by deleting line 43 on page 2 and lines 1 through 13 on page 3 and inserting: "*must include a provision that requires the local government to pay the fee charged by the issuer for the use of the credit card or debit card.*

3. The payment of fees charged by the issuer for each use of a credit card or debit card must be treated in the same manner as any other administrative cost of the local government.

4. As used in this section:".

Amend the bill as a whole by renumbering sec. 3 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 2, to read as follows:

"Sec. 9. *1. A local government may enter into contracts with financial institutions or other business organizations for the placement of automated tellers at locations where the local government receives payments of money.*

2. As used in this section:

(a) "Automated teller" means an electronic device that dispenses cash in connection with an account maintained in a financial institution or with another business.

(b) "Local government" has the meaning ascribed to it in NRS 354.474.

Sec. 10. *1. Except as otherwise provided by specific statute, a local government may charge, in addition to the fee otherwise imposed for a service provided by the local government, a reasonable fee for providing the service in an expedited manner or in a manner that is expeditious or convenient to the customer.*

2. The fee authorized pursuant to subsection 1 must not exceed 5 percent of the fee otherwise imposed.

3. As used in this section, "local government" has the meaning ascribed to it in NRS 354.474.".

Amend the title of the bill to read as follows: "An Act relating to government; authorizing state and local governments to contract for the

acceptance of credit cards or debit cards for certain payments and for the placement of automated tellers at locations where payments are received; authorizing state and local governments to impose fees for providing expedited services; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Authorizes governmental entities to contract for acceptance of credit cards or debit cards for certain payments, contract for placement of automated tellers at certain locations and impose fees for expedited services. (BDR 31-271)".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblymen Hettrick, Goldwater and Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 259:

YEAS — 36.

NAYS — Amodei, Close, Giunchigliani, Lambert, Lee, Von Tobel — 6.

Assembly Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Assembly Bill No. 327:

YEAS — 40.

NAYS — Buckley, Giunchigliani — 2.

Assembly Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 350:

YEAS — 42.

NAYS — None.

Assembly Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Assembly Bill No. 437:
YEAS — 42.
NAYS — None.
Assembly Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 456.
Bill read third time.
Remarks by Assemblymen Anderson, Bache and Mortenson.
Roll call on Assembly Bill No. 456:
YEAS — 37.
NAYS — Arberry, Bache, Giunchigliani, Goldwater, Williams — 5.
Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 509.
Bill read third time.
Remarks by Assemblyman Close.
Roll call on Assembly Bill No. 509:
YEAS — 42.
NAYS — None.
Assembly Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 12.
Resolution read third time.
Remarks by Assemblymen Collins, Price and Buckley.
Roll call on Assembly Joint Resolution No. 12:
YEAS — 39.
NAYS — Buckley, Freeman, Giunchigliani — 3.
Assembly Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 23.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 23:
YEAS — 42.
NAYS — None.
Senate Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that for the balance of the session, the reading of the history on Senate Bills on the General File be dispensed with.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 70.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 70:
YEAS — 42.
NAYS — None.
Senate Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 71.
Bill read third time.
Remarks by Assemblywoman Krenzer.
Roll call on Senate Bill No. 71:
YEAS — 42.
NAYS — None.
Senate Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 118.
Bill read third time.
Remarks by Assemblymen Sandoval and Freeman.
Roll call on Senate Bill No. 118:
YEAS — 42.
NAYS — None.
Senate Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 128.
Bill read third time.
Remarks by Assemblymen Gustavson, Arberry and Anderson.
Roll call on Senate Bill No. 128:
YEAS — 42.
NAYS — None.
Senate Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 136.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 136:
YEAS — 42.
NAYS — None.
Senate Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 175.
Bill read third time.
Remarks by Assemblywoman Evans.
Roll call on Senate Bill No. 175:
YEAS — 42.
NAYS — None.
Senate Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 198.
Bill read third time.
Remarks by Assemblymen Price, Bache and Parks.
Conflict of interest declared by Assemblyman Parks.
Roll call on Senate Bill No. 198:
YEAS — 41.
NAYS — None.
Not voting — Parks.
Senate Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 212.
Bill read third time.
Remarks by Assemblymen Perkins, Chowning, Parks and Price.

Potential conflicts of interest declared by Assemblymen Chowning, Parks and Price.

Roll call on Senate Bill No. 212:

YEAS — 42.

NAYS — None.

Senate Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 216.

Bill read third time.

Remarks by Assemblymen Price, Von Tobel, Bache, Segerblom and Carpenter.

Potential conflicts of interest declared by Assemblymen Von Tobel, Arberry, Anderson, Bache, Giunchigliani, Koivisto, Neighbors, Parks, Perkins, Segerblom, Williams and Carpenter.

Roll call on Senate Bill No. 216:

YEAS — 41.

NAYS — None.

Not voting — Von Tobel.

Senate Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 223.

Bill read third time.

Remarks by Assemblymen Price and Parks.

Conflict of interest declared by Assemblyman Parks.

Roll call on Senate Bill No. 223:

YEAS — 41.

NAYS — None.

Not voting — Parks.

Senate Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 240.

Bill read third time.

Remarks by Assemblymen Collins and Goldwater.

Conflict of interest declared by Assemblyman Goldwater.

Roll call on Senate Bill No. 240:

YEAS — 41.

NAYS — None.

Not voting — Goldwater.

Senate Bill No. 240 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 336.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Senate Bill No. 336:

YEAS — 42.

NAYS — None.

Senate Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Joint Resolution No. 14:

YEAS — 39.

NAYS — Carpenter, Ernaut, Goldwater — 3.

Senate Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Amodei, Ricky Adams, Chris Espinoza, Devon Gildark, Kenneth Kruse, Steve Lubich, Brad Metcalf, Devin Moffat, David Nelsen, Josh Oakes, Jamie Reavis, Danny Rotter, Mike Taylor, James Wood, Lindsey Barnes, Baylee Biber, Adrienne Fletcher, Heather Kuhn, Stephanie Mariskanish, Jennifer Osif, Christina Quigley, Melissa Smith, Leah Southern, Paige Thayer, Jenae Wilkens, Luci-Ann Zuenol, Anthony Sigman, Nick Ryan, Jane Johnson and Becky Quigley.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Knight.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Marlene Cook.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Tommy Rocker.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Steve McMahon.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, June 5, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:33 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-SEVENTH DAY

CARSON CITY (Thursday), June 5, 1997

Assembly called to order at 11:59 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Amodei and Nolan, who were excused.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

Gracious God, we thank You that You will never leave us nor forsake us. You have not only gone before us, but You walk along side of us. May we find comfort and courage in this knowledge as we face the struggles and joys of each new day. We thank You for the freedom of choice that You give us as we walk with You. May we govern diligently and choose wisely to follow Your will for the people of the State of Nevada. We pray this in Your comforting Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Concurrent Resolution Nos. 8, 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 233, 235, 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 1997

To the Honorable the Assembly:

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

Also, I have the honor to inform your honorable body that the Senate on this day amended and passed, as amended, Assembly Bills Nos. 100, 215, 243 and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 34, 35.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 72, 113, 168.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 91.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 38.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Krenzer, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 39—Designating June 5, 1997, as "Baby Your Baby Day" in the State of Nevada.

WHEREAS, In 1990, many women in the State of Nevada were not accessing prenatal care early and the infant mortality rate was 9 deaths per 1,000 live births; and

WHEREAS, Prevention in the form of information and education promoting early and continuous prenatal care has been proven to improve the outcome of pregnancy; and

WHEREAS, In 1991, Sunbelt Communications, Washoe Health System, Sunrise Children's Hospital and Sierra Health Services joined with the Health Division and Welfare Division of the Department of Human Resources to form a public/private partnership to improve the outcome of pregnancy in the State of Nevada; and

WHEREAS, The "Baby Your Baby" program, a multi-media public service campaign which includes a toll-free information and referral line, was developed and implemented to promote early and continuous prenatal care, has directly assisted over 20,000 pregnant women and their partners in accessing prenatal care and other related health services; and

WHEREAS, Since the implementation of the "Baby Your Baby" program in 1992:

1. The infant mortality rate of the State of Nevada is now one of the best in the nation, decreasing from 9 deaths per 1,000 live births in 1991, to 5.7 deaths per 1,000 live births in 1996;

2. The percentage of women in this state receiving prenatal care in the first trimester increased from 68 percent in 1991 to 79 percent in 1996;

3. Since 1993, participants in the "Baby Your Baby" program have delivered fewer premature babies than nonparticipants, the low and very low birth-weight rates have remained stable and the infant mortality rate has decreased even though the number of births increased; and

4. The "Baby Your Baby" program has successfully reached pregnant women who are at a high risk for poor outcomes at birth, including African-Americans, whose infant mortality rate diminished by one-half from 1988 to 1995 and whose low birth-weight rate decreased from 16 percent to 14.6 percent over the same period; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature do hereby designate June 5, 1997, as "Baby Your Baby Day" in the State of Nevada in recognition of the success of the "Baby Your Baby" program, the importance of early and continuous prenatal health care and the fact that "prevention pays"; and be it further

RESOLVED, That the "Baby Your Baby" campaign and other prenatal programs, such as the Medicaid "MOMS" program, are excellent examples of governmental agencies and the private sector working together to have a significant impact on communities by enabling residents of the State of Nevada access to prenatal health services; and be it further

RESOLVED, That families, communities and governmental agencies are hereby encouraged to emphasize and support public awareness of the importance of early and continuous prenatal care for all pregnant women; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Yvonne Sylva, Administrator of the Health Division of the Department of Human Resources and Myla Florence, Administrator of the Welfare Division of the Department of Human Resources.

Assemblywoman Krenzer moved the adoption of the resolution.

Remarks by Assemblymen Krenzer, Ernaut, Evans and Freeman.

Resolution adopted.

Assembly Concurrent Resolution No. 23.

Resolution read.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblywoman Ohrenschall.

Resolution adopted.

Assembly Concurrent Resolution No. 28.

Resolution read.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 527.

Amend the resolution, page 1, line 21, by deleting "nursing" and inserting "health".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assemblyman Williams moved that Assembly Bill No. 366 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 322 be taken from the Chief Clerk's desk and re-referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Standing Rule 92 be suspended for the purpose of committee consideration of Assembly Joint Resolution No. 16 by the Committee on Elections, Procedures, and Ethics.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 452 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 533.

Motion carried.

Assemblywoman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:24 p.m.

ASSEMBLY IN SESSION

At 12:29 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 562—An Act relating to local improvement districts; authorizing combinations and reapportionments of special assessments levied on tracts in local improvement districts under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 563—An Act relating to the local government employee-management relations board; authorizing the board to issue subpoenas for purposes relating to discovery; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Arberry, Chowning, Herrera, Giunchigliani, Williams, Perkins, Price, Berman, Evans, Anderson, de Braga, Bache and Freeman:

Assembly Bill No. 564—An Act relating to public highways; requiring the department of transportation to establish a system of emergency telephones along the most frequently traveled public highways; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Arberry, Williams, Herrera, Giunchigliani, Perkins, Price, Anderson, Berman, de Braga, Evans, Freeman and Chowning:

Assembly Bill No. 565—An Act relating to telephones; prohibiting a public utility that furnishes telephone service from terminating access to the 911 emergency telephone number or other emergency telephone service after the service is terminated for nonpayment; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Infrastructure:

Assembly Bill No. 566—An Act relating to local improvement districts; allowing a municipality to assess certain leasehold interests; expanding the

purposes for which a municipality may assess property in connection with a transportation, underpass or overpass project; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

Senate Bill No. 72.

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

Motion carried.

Senate Bill No. 113.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 168.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Joint Resolution No. 16 declared an emergency measure under the Constitution and placed at the top of General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 16.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 16:

YEAS — 40.

NAYS — None.

Excused — Amodei, Nolan— 2.

Assembly Joint Resolution No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 433.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 540.

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

"Sec. 2. 1. There is hereby appropriated from the state general fund to the Division of Child and Family Services of the Department of Human Resources the sum of $547,500 to contract for the purchase of secure residential correctional placements in the community for youths.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1998, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill as follows: "An Act making appropriations to the Division of Child and Family Services of the Department of Human Resources; and providing other matters properly relating thereto.".

Amend the summary of the bill as follows: "Summary—Makes appropriations to Division of Child and Family Services of Department of Human Resources. (BDR S-1605)".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 448.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 465.

Amend sec. 2, page 1, line 11, after "subsection 1" by inserting: "and the money appropriated by subsection 1 of section 1 of chapter 276 of Statutes of Nevada 1995, at page 458,".

Amend sec. 2, page 2, by deleting lines 1 through 4 and inserting:

"(a) Legally binding commitments of at least $5,000,000, including any legally binding commitments made pursuant to the conditions set forth in subsection 2 of section 1 of chapter 276 of Statutes of Nevada 1995, at page 458, have been made by private sources of funding to capitalize the fund or pool of funds.".

Amend sec. 2, page 2, line 8, by deleting "2" and inserting "3".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblymen Evans and Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 131.

Bill read second time and ordered to third reading.

Senate Bill No. 180.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 552.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting:

"*1. No cause of action, including, without limitation, any civil action or action for declaratory or injunctive relief, may be brought under NRS 41.031 or against an immune contractor or an officer or employee of the state or any of its agencies or political subdivisions on the basis that a computer or other information system that is owned or operated by any of those persons produced, calculated or generated an incorrect date, regardless of the cause of the error.*

2. Any contract entered into by or on behalf of and in the capacity of the State of Nevada, an immune contractor or an officer or employee of the state or any of its agencies or political subdivisions must include a provision that provides immunity to those persons for any breach of contract that is caused by an incorrect date being produced, calculated or generated by a computer or other information system that is owned or operated by any of those persons, regardless of the cause of the error.

3. Any contract subject to the provisions of this section that is entered into on or after June 30, 1997, has the legal effect of including the immunity required by this section, and any provision of the contract which is in conflict with this section is void.".

Amend sec. 5, page 2, line 32, by deleting the period and inserting: ", and expires by limitation on December 30, 2005.".

Amend the title of the bill to read as follows: "An Act relating to information systems; providing immunity to the state and its immune contractors, officers, employees and political subdivisions from any civil action based on or action for a breach of contract that is caused by a computer that produced, calculated or generated an incorrect date, regardless of the cause of the error; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Provides immunity to state and local governments from any civil action based on or action for breach of contract that is caused by computer that produces,

calculates or generates incorrect date, regardless of cause of error. (BDR 3-1442)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 264.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 312.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 312:

YEAS — 40.

NAYS — None.

Excused — Amodei, Nolan—2.

Assembly Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 401.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 478.

Amend sec. 46, page 18, by deleting lines 18 and 19 and inserting:

"Sec. 46. *"State" has the meaning ascribed to it in NRS 130.0432.*".

Amend sec. 47, page 18, line 20, by deleting "*To*" and inserting "*1. To*".

Amend sec. 47, page 18, line 21, by deleting: "*chapter 130 of NRS* " and inserting: "*28 U.S.C. § 1738B*".

Amend sec. 47, page 18, line 25, by deleting: "*chapter 130 of NRS.*" and inserting: "*28 U.S.C. § 1738B. Such an order must not be modified unless the order is registered pursuant to NRS 130.330 to 130.370, inclusive.*

2. For the purposes of this chapter, an order relating to the support of a child issued by a court of a state described in subsection 3 of NRS 130.0432 shall be deemed to have the same effect and must be treated in the same manner as a similar order of a state described in subsection 1 of NRS 130.0432.".

Amend the bill as a whole by deleting sections 50 and 51 and inserting:

"Secs. 50 and 51. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 53 through 68 and inserting: "Secs. 53-68. (Deleted by amendment.)".

Amend sec. 69, page 30~~;~~ by deleting lines 14 through 16 and inserting:

"*7. As used in this section, "court order" means an order that a court of this state has jurisdiction to modify pursuant to 28 U.S.C. § 1738B.*".

Amend the bill as a whole by deleting sec. 71 and inserting:

"Sec. 71. (Deleted by amendment.)".

Amend sec. 82, page 35, by deleting line 28 and inserting: "this chapter, the provisions of chapters 31A, 125B , *126* and 130 of NRS".

Amend the bill as a whole by adding a new section designated sec. 82.5, following sec. 82, to read as follows:

"Sec. 82.5. NRS 425.345 is hereby amended to read as follows:

425.345 To the extent they are not inconsistent with the provisions of this chapter, the provisions of chapters 31A, 125B [, 126 and 130] *and 126* of NRS apply to a hearing held pursuant to the provisions of this chapter.".

Amend the bill as a whole by deleting sec. 85.5 and inserting:

"Sec. 85.5. (Deleted by amendment.)".

Amend sec. 88, page 39, line 8, by deleting "court, [the]" and inserting: "court [, the] *and except as otherwise provided in 28 U.S.C. § 1738B and section 47 of this act,*".

Amend sec. 88, page 39, by deleting lines 10 through 16 and inserting: "dependent child;] *Issue and enforce an order for the support of a dependent child,*".

Amend sec. 88, page 39, line 18, by deleting "*(2)*" and inserting "(b)".

Amend sec. 88, page 39, line 19, by deleting "[(c)] *(3)*" and inserting "(c)".

Amend sec. 88, page 39, line 24, by deleting "*(4)*" and inserting "*(d)*".

Amend sec. 88, page 39, line 26, by deleting "*(5)*" and inserting "*(e)*".

Amend sec. 88, page 39, line 27, by deleting "*(6)*" and inserting "*(f)*".

Amend sec. 88, page 39, line 29, by deleting "*(7)*" and inserting "*(g)*".

Amend sec. 88, page 39, line 30, by deleting "*(8)*" and inserting "*(h)*".

Amend sec. 88, page 39, line 32, by deleting "*(9)*" and inserting "*(i)*".

Amend sec. 88, page 39, line 34, by deleting "*(10)*" and inserting "*(j)*".

Amend sec. 88, page 39, line 37, by deleting "*(11)*" and inserting "*(k)*".

Amend sec. 88, page 39, line 41, by deleting "*(12)*" and inserting "*(l)*".

Amend sec. 88, page 39, line 43, by deleting "*(13)*" and inserting "*(m)*".

Amend sec. 88, page 40, line 1, by deleting "*(I)*" and inserting "*(1)*".

Amend sec. 88, page 40, line 3, by deleting "*(II)*" and inserting "*(2)*".

Amend sec. 88, page 40, line 5, by deleting "*(14)*" and inserting "*(n)*".

Amend sec. 88, page 40, line 6, by deleting "*(15)*" and inserting "*(o)*".

Amend sec. 88.5, pages 40 and 41, by deleting lines 8 through 43 on page 40 and lines 1 through 9 on page 41 and inserting:

"425.382 1. Except as otherwise provided in section 47 of this act, the chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, and section 52 of this act after:

(a) Payment of public assistance by the division; or

(b) Receipt of a request for services to carry out the program.

2. Subject to approval by the district court , [and except as otherwise provided in 28 U.S.C. § 1738B and section 47 of this act,] a master may:

(a) *Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of section 237 of this act.*

(b) Except as otherwise provided in chapter 130 of NRS and section 47 of this act:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

[(b)] *(2)* Require coverage for health care of a dependent child;

[(c)] *(3)* Establish paternity;

[(d)] *(4)* Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

[(e)] *(5)* Order the withholding of income;

[(f)] *(6)* Determine the amount of any arrearages and specify a method of payment;

[(g)] *(7)* Enforce orders by civil or criminal contempt, or both;

[(h)] *(8)* Set aside property for satisfaction of an order for the support of a dependent child;

[(i)] *(9)* Place liens and order execution on the property of the responsible parent;

[(j)] *(10)* Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

[(k)] *(11)* Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

[(l)] *(12)* Order the responsible parent to seek appropriate employment by specified methods;

[(m)] *(13)* Upon the request of the division, require a responsible parent to:

[(1)] *(I)* Pay any support owed in accordance with a plan approved by the division; or

[(2)] *(II)* Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the division deems appropriate;

[(n)] *(14)* Award reasonable attorney's fees and other fees and costs; and

[(o)] *(15)* Grant any other available remedy."

Amend sec. 90, page 41, by deleting line 43 and inserting: "*paragraph (m) of subsection 2 of NRS 425.382,*".

Amend sec. 90.5, page 43, by deleting line 2 and inserting: "[paragraph (m)] *subparagraph (13) of paragraph (b)* of subsection 2 of NRS".

Amend sec. 90.5, page 43, by deleting lines 23 and 24 and inserting:

"(j) A reference to NRS 425.382 to 425.3852, inclusive, and section 52 of this act.".

Amend sec. 91, page 44, lines 14 and 15, by deleting: "*subparagraph 13 of paragraph (b)*" and inserting "*paragraph (m)*".

Amend sec. 91.5, page 45, by deleting lines 19 and 20 and inserting:

"(e) Any requirements to be imposed pursuant to [paragraph (m)] *subparagraph (13) of paragraph (b)* of subsection 2 of NRS 425.382, regarding a".

Amend sec. 92, page 46, by deleting lines 41 and 42 and inserting:

"*(a) A court of this state has jurisdiction to modify pursuant to 28 U.S.C. § 1738B; and*".

Amend the bill as a whole by adding a new section designated sec. 92.5, following sec. 92, to read as follows:

"Sec. 92.5. NRS 425.383 is hereby amended to read as follows:

425.383 1. After the entry of a recommendation for the support of a dependent child by the master that has been approved by the district court, or after entry of an order for the support of a dependent child by a district court regarding which the chief is authorized to proceed pursuant to NRS 425.382 to 425.3852, inclusive, and section 52 of this act, the responsible parent, the person entitled to support or the enforcing authority may move for the amount of the child support being enforced to be modified or adjusted in accordance with NRS 125B.145.

2. The motion must:

(a) Be in writing.

(b) Set out the reasons for the modification or adjustment.

(c) State the address of the moving party.

(d) Be served by the moving party upon the responsible parent or the person entitled to support, as appropriate, by first-class mail to the last known address of that person.

3. The moving party shall mail or deliver a copy of the motion and the original return of service to the chief.

4. The chief shall set the matter for a hearing within 30 days after the date of receipt of the motion unless a stipulated agreement between the parties is reached. The chief shall send to the parties and person with physical custody of the dependent child a notice of the hearing by first-class mail to the last known address of those persons.

5. A motion for modification or adjustment requested pursuant to this section does not prohibit the chief from enforcing and collecting upon the

existing order for support of a dependent child unless so ordered by the district court.

6. The only support payments that may be modified or adjusted pursuant to this section are monthly support payments that:

(a) A court of this state has jurisdiction to modify pursuant to [28 U.S.C. § 1738B;] *chapter 130 of NRS;* and

(b) Accrue after the moving party serves notice that a motion has been filed for modification or adjustment.

7. The party requesting the modification or adjustment has the burden of showing a change of circumstances and good cause for the modification or adjustment, unless the request is filed in accordance with subsection 1 of NRS 125B.145.".

Amend sec. 95, page 49, by deleting line 15 and inserting: "*paragraph (m) of subsection 2 of NRS 425.382,*".

Amend sec. 95, page 50, lines 8 and 9, by deleting: "*subparagraph (13) of paragraph (b)*" and inserting "*paragraph (m)*".

Amend sec. 95.5, page 51, by deleting line 5 and inserting: "[paragraph (m)] *subparagraph (13) of paragraph (b)* of subsection 2 of NRS".

Amend sec. 95.5, page 51, by deleting lines 18 and 19 and inserting:

"(i) A reference to NRS 425.382 to 425.3852, inclusive, and section 52 of this act.".

Amend sec. 95.5, page 51, lines 38 and 39, by deleting: "[subparagraph (13) of paragraph (b)] *paragraph (m)*" and inserting: "[paragraph (m)] *subparagraph (13) of paragraph (b)*".

Amend the bill as a whole by deleting sec. 101 and inserting:

"Sec. 101. (Deleted by amendment.)".

Amend sec. 111, page 61, by deleting lines 22 and 23 and inserting: "and credit in this state [.] , *except a judgment to which chapter 130 of NRS applies.*".

Amend sec. 115, page 63, line 24, by deleting "123," and inserting "123.5,".

Amend sec. 121, page 64, by deleting lines 1 and 2 and inserting:

"Sec. 121. *"State" has the meaning ascribed to it in NRS 130.0432.*".

Amend sec. 123, page 64, line 5, by deleting "*To*" and inserting "*1. To*".

Amend sec. 123, page 64, line 6, by deleting: "*chapter 130 of NRS* " and inserting: "*28 U.S.C. § 1738B*".

Amend sec. 123, page 64, line 10, by deleting: "*chapter 130 of NRS.*" and inserting: "*28 U.S.C. § 1738B. Such an order must not be modified unless the order is registered pursuant to NRS 130.330 to 130.370, inclusive.*

2. For the purposes of this chapter, an order relating to the support of a child issued by a court of a state described in subsection 3 of NRS 130.0432 shall be deemed to have the same effect and must be treated in the same

manner as a similar order of a state described in subsection 1 of NRS 130.0432.".

Amend the bill as a whole by adding a new section designated sec. 123.5, following sec. 123, to read as follows:

"Sec. 123.5. *1. If an employer receives an order issued by a court of another state to withhold the income of an obligor, the employer shall withhold income as directed in the order, except that the employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:*

(a) The employer's fee for processing the order;

(b) The maximum amount permitted to be withheld from the obligor's income;

(c) The times within which the employer must carry out the order and forward the child-support payment;

(d) The priorities for withholding and allocating income withheld for multiple child-support obligees; and

(e) Any terms or conditions of withholding not specified in the order.

2. An employer who complies with the provisions of subsection 1 regarding an order that is regular on its face is not subject to civil liability to any natural person or agency for conduct that complies with subsection 1.".

Amend sec. 126, page 65, line 16, by deleting "*31A.190,*" and inserting "*31A.230,*".

Amend the bill as a whole by adding a new section designated sec. 126.5, following sec. 126, to read as follows:

"Sec. 126.5. NRS 31A.030 is hereby amended to read as follows:

31A.030 Except as otherwise provided in section 123 of this act:

1. The amount of income to be withheld pursuant to NRS 31A.025 to [31A.230,] *31A.190,* inclusive, must be calculated in accordance with NRS 31.295 and must include:

(a) The amount of the current support due plus:

(1) An amount equal to 10 percent of the amount of the current periodic or other payment ordered for support, to be applied to satisfy arrearages, if any; or

(2) If the court has previously ordered the payment of arrearages in a specified manner, the amount so ordered;

(b) If the obligor is subject to a court order for the payment of current support which is not being collected pursuant to this chapter and the enforcing authority is entitled to collect any arrearages, an amount equal to 25 percent of the amount of the payment ordered for current support, to be applied to satisfy the arrearages; or

(c) If the child is emancipated, arrearages as provided in NRS 125B.100, until the arrearages are paid in full.

2. If two or more court orders for the withholding of income are being enforced against the same obligor, the amount available from withholding must be allocated among those persons entitled to it pursuant to those orders:

(a) Giving priority to an obligation for current support; and

(b) Except as otherwise provided in paragraph (a), in the proportion that the amount owed any one person bears to the total amount owed to all persons entitled to withholding pursuant to those orders.".

Amend sec. 128, page 67, lines 1 and 2, by deleting: "*section 265 of this act*" and inserting "*NRS 130.370*".

Amend sec. 128, page 67, lines 3 and 4, by deleting: "*chapter 130 of NRS.*" and inserting: "*NRS 130.330 to 130.370, inclusive.*".

Amend the bill as a whole by adding a new section designated sec. 128.5, following sec. 128, to read as follows:

"Sec. 128.5. NRS 31A.050 is hereby amended to read as follows:

31A.050 1. Except as otherwise provided in subsection 2:

(a) If an obligor, within 15 days after a notice of withholding is mailed to him pursuant to NRS 31A.040, requests a hearing to contest the withholding, the enforcing authority shall apply for a hearing before the court.

(b) The obligor may contest the withholding on the following grounds:

(1) The court which issued the order for support lacked personal jurisdiction over him;

(2) There is a mistake of fact as to:

(I) Whether the obligor has been delinquent in the payment of support;

(II) The amount of the arrearages or support; or

(III) The custody of the child; or

(3) The order of support was obtained by fraud.

No other issues or defenses may be presented to or determined by the court.

2. The provisions of subsection 1:

(a) Are applicable only to an obligor against whom there is entered an order of a kind described in subsection 2 of NRS 31A.025.

(b) Do not apply to an obligor who requests a hearing pursuant to [NRS 130.370] *section 265 of this act* to contest the enforcement, through the withholding of income, of an order for support that is registered pursuant to [NRS 130.330 to 130.370, inclusive.] *chapter 130 of NRS.*".

Amend sec. 133, page 69, line 9, by deleting "*31A.190, inclusive,*" and inserting: "*31A.230, inclusive, or section 123.5 of this act,*".

Amend sec. 133, page 69, line 18, by deleting "*31A.190, inclusive;*" and inserting: "*31A.230, inclusive, or section 123.5 of this act;*".

Amend the bill as a whole by adding a new section designated sec. 133.5, following sec. 133, to read as follows:

"Sec. 133.5. NRS 31A.095 is hereby amended to read as follows:

31A.095 1. If an employer wrongfully refuses to withhold income as required pursuant to NRS 31A.025 to [31A.230, inclusive, or section 123.5 of

this act,] *31A.190, inclusive,* or knowingly misrepresents the income of an employee, the enforcing authority may apply for and the court may issue an order directing the employer to appear and show cause why he should not be subject to the penalty prescribed in subsection 2 of NRS 31A.120.

2. At the hearing on the order to show cause , the court, upon a finding that the employer wrongfully refused to withhold income as required or knowingly misrepresented an employee's income:

(a) May order the employer to comply with the requirements of NRS 31A.025 to [31A.230, inclusive, or section 123.5 of this act;] *31A.190, inclusive;*

(b) May order the employer to provide accurate information concerning the employee's income;

(c) May fine the employer pursuant to subsection 2 of NRS 31A.120; and

(d) Shall require the employer to pay the amount the employer failed or refused to withhold from the obligor's income.".

Amend sec. 135, page 69, line 36, by deleting "*31A.190,*" and inserting "*31A.230,*".

Amend the bill as a whole by adding a new section designated sec. 135.5, following sec. 135, to read as follows:

"Sec. 135.5. NRS 31A.110 is hereby amended to read as follows:

31A.110 The enforcing authority may, pursuant to NRS 31A.025 to [31A.230,] *31A.190,* inclusive, collect, by withholding, an obligation for the support of a spouse or a former spouse under a valid order of a court, if the enforcing authority is also collecting support for a child of that spouse or former spouse from the same obligor and the child resides with the spouse or former spouse for whom the obligation of support is being collected.".

Amend sec. 136, page 70, line 11, by deleting "*31A.190, inclusive,*" and inserting: "*31A.230, inclusive, or section 123.5 of this act,*".

Amend the bill as a whole by adding a new section designated sec. 136.5, following sec. 136, to read as follows:

"Sec. 136.5. NRS 31A.120 is hereby amended to read as follows:

31A.120 1. It is unlawful for an employer to use the withholding of income to collect an obligation of support as a basis for refusing to hire a potential employee, discharging the employee or taking disciplinary action against him. Any employer who violates this section shall hire or reinstate the employee with no loss of pay or benefits, is liable for any payments of support not withheld, and shall be fined $1,000. If an employee prevails in an action based on this section, the employer is liable, in an amount not less than $2,500, for payment of the employee's costs and attorney's fees incurred in that action.

2. If an employer wrongfully refuses to withhold from the income of an obligor as required pursuant to NRS 31A.025 to [31A.230, inclusive, or section 123.5 of this act,] *31A.190, inclusive,* or knowingly misrepresents the

income of the employee, he shall pay the amount he refused to withhold to the enforcing authority and may be ordered to pay punitive damages to the person to whom support is owed in an amount not to exceed $1,000 for each pay period he failed to withhold income as required or knowingly misrepresented the income of the employee.".

Amend sec. 137, page 70, line 19, by deleting "*31A.190,*" and inserting "*31A.230,*".

Amend the bill as a whole by adding a new section designated sec. 137.5, following sec. 137, to read as follows:

"Sec. 137.5. NRS 31A.140 is hereby amended to read as follows:

31A.140 1. A person or other entity for whom support is being collected pursuant to NRS 31A.025 to [31A.230,] *31A.190,* inclusive, shall notify the enforcing authority of a change of address within a reasonable time after the change. The notice must be in writing and sent by certified mail, return receipt requested.

2. If payments are not deliverable for 3 consecutive months because of the failure of a person or other entity for whom payment of support has been withheld to notify the enforcing authority of a change of address, no further payments may be made and all payments not delivered must be returned to the obligor. The enforcing authority shall notify the employer to discontinue withholding.".

Amend sec. 138, page 70, line 31, by deleting "*31A.190,*" and inserting "*31A.230,*".

Amend the bill as a whole by adding a new section designated sec. 138.5, following sec. 138, to read as follows:

"Sec. 138.5. NRS 31A.150 is hereby amended to read as follows:

31A.150 1. Money may be withheld for the support of a child pursuant to NRS 31A.025 to [31A.230,] *31A.190,* inclusive, from any money:

(a) Due to:

(1) The obligor as a pension, an annuity, unemployment compensation, a benefit because of disability, retirement or other cause or any other benefit;

(2) The obligor as a return of contributions and interest; or

(3) Some other person because of the death of the obligor,

from the state, a political subdivision of the state or an agency of either, a public trust, corporation or board or a system for retirement, disability or annuity established by any person or a statute of this or any other state, whether the money is payable periodically or in a lump sum; or

(b) Due to the obligor as a judgment, a settlement or the prize from any contest or lottery, from any person or other entity, whether the money is payable periodically or in a lump sum.

2. When a certified copy of a notice to withhold income is delivered by certified mail, return receipt requested, to a person or other entity described in subsection 1, the person or other entity must comply with the request and pay

to the enforcing authority the amounts withheld as required in the notice to withhold income.".

Amend the bill as a whole by adding new sections designated sections 141.3 through 141.7, following sec. 141, to read as follows:

"Sec. 141.3. NRS 31A.210 is hereby amended to read as follows:

31A.210 On behalf of any client for whom an enforcing authority is providing services, or on application of a resident of this state, a [parent] *person* to whom support of a child has been ordered to be paid or any agency to whom that [parent] *person* has assigned his right to support, the enforcing authority [shall] *may* request the agency of another jurisdiction in which the [responsible parent derives wages or commissions to enter] *obligor derives income to enforce* an order to withhold payments of support from his [wages and commissions. The] *income. If the enforcing authority makes such a request, the* enforcing authority shall send to the agency of the other jurisdiction [all] *:*

1. All documentation required by that jurisdiction to [enter] *enforce* such an order. [The enforcing authority also shall send to the agency of the other jurisdiction a]

2. A certified copy of any modifications of the order for support.

If the enforcing authority receives notice that the [responsible parent] *obligor* is contesting *the* withholding of his income in the other jurisdiction, the enforcing authority shall immediately notify the [parent] *person* to whom the support is ordered to be paid of the date, time and place of the hearing and of his right to attend.

Sec. 141.5. NRS 31A.220 is hereby amended to read as follows:

31A.220 1. The enforcing authority shall [issue a notice of withholding and] proceed to collect an obligation for *the* support of a child by withholding pursuant to NRS 31A.025 to [31A.240,] *31A.230,* inclusive, upon the request of an agency responsible for the enforcement of orders for support of a child in another [county or] jurisdiction.

2. The request must include:

(a) A certified copy of the order for support with any modifications;

(b) A certified copy of an order to withhold [wages and commissions,] *income,* if any, still in effect;

(c) [A copy of the portion of the statute of that jurisdiction authorizing the withholding of wages and commissions, stating the requirements for withholding wages and commissions;

(d)] A sworn statement of the [parent] *person* to whom payments of support are ordered or a certified statement of the agency of the amount of support due and any assignment of the [parent's] *person's* right to support; and

[(e)] *(d)* A statement of:

(1) The name, address and social security number of the [responsible parent,] *obligor,* if known;

(2) The name and address of the employer of the [responsible parent] *obligor* or of any source of [wages, commissions or other] income derived in this state against which withholding is sought; and

(3) The name and address of the agency to whom payments of support collected by withholding must be transmitted.

3. If the documentation received by the enforcing authority does not conform to the requirements of subsection 2, it shall remedy the defect, if possible, without the assistance of the requesting agency. If the enforcing authority is unable to remedy the deficiencies, it shall immediately notify the requesting agency of the necessary additions or corrections. It shall not return the documentation. The enforcing authority shall accept the documentation even if it is not in the usual form, if it contains the required information.

4. [Upon receipt of a request from an agency in another county or jurisdiction, notice must be sent to the responsible parent pursuant to NRS 31A.040. If he] *If the obligor* requests a hearing [,] *in this state to contest the withholding of his income,* the enforcing authority shall notify the requesting agency of the date, time and place of the hearing and of the [agency's or custodial parent's] right *of the agency or of the person to whom support is ordered* to attend.

Sec. 141.7. NRS 31A.230 is hereby amended to read as follows:

31A.230 If the enforcing authority has issued a notice to withhold [wages or commissions] *income* to an employer of [a responsible parent] *an obligor* and receives information that the [responsible parent] *obligor* has obtained employment or has a new or additional source of income in another state, the enforcing authority shall notify the agency who requested the withholding of income of those changes within 10 working days after receiving the information. It shall forward to the requesting agency all information it has or can obtain with respect to the [responsible parent's] *obligor's* new address and the name and address of his new employer or other sources of income. The enforcing authority shall include with the notice a certified copy of the notice to withhold [wages and commissions] *income* in effect in this state.".

Amend sec. 154, page 78, line 7, by deleting: "*chapter 130 of NRS,*" and inserting: "*28 U.S.C. § 1738B,*".

Amend the bill as a whole by adding a new section designated sec. 154.5, following sec. 154, to read as follows:

"Sec. 154.5. NRS 125.210 is hereby amended to read as follows:

125.210 1. Except as otherwise provided in subsection 2, in any action brought pursuant to NRS 125.190, the court may:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse;

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse and their children;

(c) Provide that the payment of that money be secured upon real estate or other security, or make any other suitable provision; and

(d) Determine the time and manner in which the payments must be made.

2. The court may not:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse; or

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse,

if it is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.

3. Except as otherwise provided in [28 U.S.C. § 1738B,] *chapter 130 of NRS,* the court may change, modify or revoke its orders and decrees from time to time.

4. No order or decree is effective beyond the joint lives of the husband and wife.".

Amend sec. 157, page 78, line 34, by deleting: "*chapter 130 of NRS:*" and inserting: "*28 U.S.C. § 1738B:*".

Amend the bill as a whole by adding a new section designated sec. 157.5, following sec. 157, to read as follows:

"Sec. 157.5. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section and [28 U.S.C. § 1738B:] *chapter 130 of NRS:*

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest; and

(b) At any time modify or vacate its order, even if the divorce was obtained by default without an appearance in the action by one of the parties. The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to the jurisdictional

requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and must contain the following language:

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed

outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if he is no longer enrolled in high school, otherwise, when he reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if he:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.".

Amend sec. 161, page 80, by deleting lines 36 and 37 and inserting:

"Sec. 161. *"State" has the meaning ascribed to it in NRS 130.0432.*".

Amend sec. 162, page 80, line 38, by deleting "*To*" and inserting "*1. To*".

Amend sec. 162, page 80, line 39, by deleting: "*chapter 130 of NRS*" and inserting: "*28 U.S.C. § 1738B*".

Amend sec. 162, page 80, line 43, by deleting: "*chapter 130 of NRS.*" and inserting: "*28 U.S.C. § 1738B. Such an order must not be modified unless the order is registered pursuant to NRS 130.330 to 130.370, inclusive.*

2. For the purposes of this chapter, an order relating to the support of a child issued by a court of a state described in subsection 3 of NRS 130.0432 shall be deemed to have the same effect and must be treated in the same manner as a similar order of a state described in subsection 1 of NRS 130.0432.".

Amend sec. 167, page 82, by deleting line 37 and inserting: "*to recognition in this state must be afforded full faith and*".

Amend sec. 172, page 85, line 13, by deleting: "*chapter 130 of NRS*" and inserting: "*28 U.S.C. § 1738B*".

Amend the bill as a whole by adding a new section designated sec. 172.5, following sec. 172, to read as follows:

"Sec. 172.5. NRS 125B.140 is hereby amended to read as follows:

125B.140 1. Except as otherwise provided in [28 U.S.C. § 1738B] *chapter 130 of NRS* and section 162 of this act:

(a) If an order issued by a court provides for payment for the support of a child, that order is a judgment by operation of law on or after the date a

payment is due. Such a judgment may not be retroactively modified or adjusted and may be enforced in the same manner as other judgments of this state.

(b) Payments for the support of a child pursuant to an order of a court which have not accrued at the time either party gives notice that he has filed a motion for modification or adjustment may be modified or adjusted by the court upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction of the modification or adjustment.

2. Except as otherwise provided in subsection 3 and sections 162, 166 and 167 of this act:

(a) Before execution for the enforcement of a judgment for the support of a child, the person seeking to enforce the judgment must send a notice by certified mail, restricted delivery, with return receipt requested, to the responsible parent:

(1) Specifying the name of the court that issued the order for support and the date of its issuance;

(2) Specifying the amount of arrearages accrued under the order;

(3) Stating that the arrearages will be enforced as a judgment; and

(4) Explaining that the responsible parent may, within 20 days after the notice is sent, ask for a hearing before a court of this state concerning the amount of the arrearages.

(b) The matters to be adjudicated at such a hearing are limited to a determination of the amount of the arrearages and the jurisdiction of the court issuing the order. At the hearing, the court shall take evidence and determine the amount of the judgment and issue its order for that amount.

(c) The court shall determine and include in its order:

(1) Interest upon the arrearages at a rate established pursuant to NRS 99.040, from the time each amount became due; and

(2) A reasonable attorney's fee for the proceeding,

unless the court finds that the responsible parent would experience an undue hardship if required to pay such amounts. Interest continues to accrue on the amount ordered until it is paid, and additional attorney's fees must be allowed if required for collection.

(d) The court shall include in its order the social security number of the responsible parent.

3. Subsection 2 does not apply to the enforcement of a judgment for arrearages if the amount of the judgment has been determined by any court.".

Amend sec. 183, page 89, line 35, by deleting: ", *section 274 of this act*".

Amend sec. 183, page 89, by deleting lines 38 and 39 and inserting: "130.245 , [or] NRS 201.025 [.] *or NRS 425.382 to 425.3852, inclusive, and section 52 of this act.*".

Amend sec. 183.5, page 90, by deleting line 2 and inserting: "birth to the child, or under this chapter , *section 274 of this act* or NRS".

Amend sec. 183.5, page 90, line 4, by inserting an open bracket before "NRS".

Amend sec. 183.5, page 90, by deleting lines 5 and 6 and inserting: "130.245,] *section 274 of this act,* NRS 201.025 or NRS 425.382 to 425.3852, inclusive, and section 52 of this act.".

Amend sec. 190, page 95, line 1, by deleting: "*section 218 of this act,*" and inserting "*NRS 130.0432,*".

Amend the bill as a whole by adding a new section designated sec. 190.3, following sec. 190, to read as follows:

"Sec. 190.3. NRS 126.161 is hereby amended to read as follows:

126.161 1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or nonexistence of the relationship of parent and child is determinative for all purposes.

2. If such a judgment or order of this state is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive.

3. If the child is a minor, such a judgment or order of this state must provide for his support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:

(a) One of the parties demonstrates and good cause is found by the court or pursuant to the expedited process, for the postponement of the withholding or assignment; or

(b) All parties otherwise agree in writing.

4. Such a judgment or order of this state may:

(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child.

(b) Direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The court may limit the father's liability for past support of the child to the proportion of the expenses already incurred which the court deems just.

5. Such a judgment or order of this state must include the social security numbers of the mother and father.

6. As used in this section, "expedited process" means a voluntary acknowledgment of paternity, judicial procedure or an administrative procedure established by this or another state, as that term is defined in [NRS 130.0432,] *section 218 of this act,* to facilitate the collection of an obligation for the support of a child.".

Amend sec. 192, page 95, lines 26 and 27, by deleting: "*chapter 130 of NRS,*" and inserting: "*28 U.S.C. § 1738B,*".

Amend the bill as a whole by adding a new section designated as sec. 192.5, following sec. 192, to read as follows:

"Sec. 192.5. NRS 126.191 is hereby amended to read as follows:

126.191 Except as otherwise provided in NRS 125B.140 and [28 U.S.C. § 1738B,] *chapter 130 of NRS,* the court has continuing jurisdiction to modify the judgment or order as to custody, visitation or support.".

Amend sec. 193, page 95, by deleting lines 41 and 42 and inserting:

"*(b) Any person or agency in violation of a requirement of federal law or condition to the receipt of federal money.*".

Amend the bill as a whole by adding a new section designated sec. 193.5, following sec. 193, to read as follows:

"Sec. 193.5. NRS 126.291 is hereby amended to read as follows:

126.291 1. Proceedings to compel support by a nonsupporting parent may be brought in accordance with this chapter. They are not exclusive of other proceedings. The court may assess the usual filing fees, charges or court costs against the nonsupporting parent and shall enforce their collection with the other provisions of the judgment.

2. Except as otherwise provided in this subsection, when the district attorney is requested to bring an action to compel support or an action to determine paternity, he may charge the requester a fee of not more than $20 for an application. This fee may not be assessed against:

(a) The State of Nevada when acting as a party to an action brought pursuant to this chapter.

(b) Any person or agency [in violation of a requirement of federal law or condition to the receipt of federal money.] *requesting services pursuant to chapter 130 of NRS.*

3. If the court finds that a parent and child relationship exists, it may assess against the nonsupporting parent, in addition to any support obligation ordered a reasonable collection fee. If the court finds that the nonsupporting parent would experience a financial hardship if required to pay the fee immediately, it may order that the fee be paid in installments, each of which is not more than 25 percent of the support obligation for each month.

4. All fees collected pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.".

Amend sec. 195, page 96, line 22, by deleting "277," and inserting "277.1,".

Amend sec. 277, page 116, between lines 19 and 20, by inserting:

"*5. As used in this section, "support-enforcement agency" means a public official or agency authorized to:*

(a) Seek the enforcement of support orders or laws relating to the duty of support;

(b) Seek the establishment or modification of child support;

(c) Seek a determination of parentage; or

(d) Locate obligors or their assets.".

Amend the bill as a whole by adding new sections designated sections 277.1 through 277.7, following sec. 277, to read as follows:

"Sec. 277.1. *Notwithstanding any other provision of this chapter:*

1. To the extent that any provision of this chapter is inconsistent with the provisions of 28 U.S.C. § 1738B regarding the establishment, effect, enforcement or modification of a support order, the provision of this chapter does not apply to the order. The establishment, effect, enforcement and modification of a support order must comply with the provisions of 28 U.S.C. § 1738B.

2. For the purposes of this chapter, a support order issued by a court of a state described in subsection 3 of NRS 130.0432 shall be deemed to have the same effect and must be treated in the same manner as a similar order of a state described in subsection 1 of NRS 130.0432.

Sec. 277.3. NRS 130.0432 is hereby amended to read as follows:

130.0432 "State" includes [a] *:*

1. A state, territory or possession of the United States, the District of Columbia [,] *and* the Commonwealth of Puerto Rico [and any] *;*

2. An Indian tribe; and

3. A foreign jurisdiction [in] *:*

(a) In which this or a substantially similar reciprocal law is in effect [.] *;*

(b) Which is declared to be a foreign reciprocating country pursuant to 42 U.S.C. § 659a; or

(c) Which is declared to be a state pursuant to NRS 130.315.

Sec. 277.5. NRS 130.120 is hereby amended to read as follows:

130.120 1. The complaint [shall] *must* be verified and [shall] state the name and, so far as known to the obligee, the address and circumstances of the obligor and the persons for whom support is sought *, the social security number of the obligor* and all other pertinent information. The obligee may include in or attach to the complaint any information which may help in locating or identifying the obligor, including a photograph of the obligor, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer [,] *and* his fingerprints *.* [, and his social security number.]

2. The complaint may be filed in the appropriate court of any state in which the obligee resides. The court shall not decline or refuse to accept or forward the complaint on the ground that it should be filed with some other court of this or any other state where there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption or

custody between the same parties or where another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

Sec. 277.7. NRS 130.160 is hereby amended to read as follows:

130.160 1. [When] *Except as otherwise provided in this subsection, when* the district attorney is requested to initiate an action in accordance with this chapter, he may assess against the requester a fee of not more than $20 for an initial action or adjustment or modification of an order of support. He may request that the responding court collect the fee from the obligor. A fee may not be assessed against [the] *:*

(a) The State of Nevada when acting as a party to an action brought pursuant to this chapter.

(b) Any person or agency in violation of a requirement of federal law or condition to the receipt of federal money.

2. When the district attorney is requested to respond in an action in accordance with this chapter, the court may assess against an obligor, in addition to any support obligation ordered, a reasonable fee for collection and distribution. If the court finds that the obligor would experience a financial hardship if required to pay the fee immediately, it may order that the fee be paid in installments, each of which is not more than 25 percent of the support obligation for each month.

3. All fees collected pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.

4. A responding court shall not require the posting of any bond, written undertaking, or security by the requester, including bonds for the seizure or attachment of property or require payment of a filing fee or other costs from the requester, but it may direct that all fees and costs requested by the initiating court and such fees and costs as are incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service or other service supplied to the obligor, be paid in whole or in part by the obligor. Such fees and costs may not be assessed against the state or any political subdivision thereof. These costs or fees do not have priority over amounts due to the requester.".

Amend the bill as a whole by adding new sections designated sections 278.1 through 278.7, following sec. 278, to read as follows:

"Sec. 278.1. NRS 130.220 is hereby amended to read as follows:

130.220 1. If the responding court finds a duty of support on the basis of a prior decree or other obligation at law, it shall order the obligor to furnish support or reimbursement therefor as required by chapter 125B of NRS and subject the property of the obligor to that order. The amount of support the obligor is directed to pay must be determined in accordance with

NRS 125B.070 and 125B.080. Support orders made pursuant to this chapter may impose a greater or lesser amount of support than any previous order of another court obligating the same person for support of the same child. An order issued by a court of another state may be modified only if the order is registered pursuant to NRS 130.330 to 130.370, inclusive. Support orders made pursuant to this chapter must:

(a) Except as otherwise provided in subsection 2, include an order directing the withholding of [wages and commissions] *income* for the payment of the support unless:

(1) One of the parties demonstrates and good cause is found by the court for the postponement of withholding; or

(2) All parties otherwise agree in writing; and

(b) Require that payments be made to the [clerk of the court of the responding state or other] appropriate agency or office.

2. If the complaint is based upon an order of a court for support of a child that is delinquent , [in an amount equal to the amount the responsible parent has been ordered to pay as support for a 30-day period,] the exceptions provided in paragraph (a) of subsection 1 are not applicable and the court shall issue an order for the withholding of [wages and commissions.] *income.*

3. The court and prosecuting attorney of any county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of any county in which it appears that proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

Sec. 278.3. NRS 130.240 is hereby amended to read as follows:

130.240 In addition to the foregoing powers, a responding court may subject the obligor to any terms and conditions proper to [assure] *ensure* compliance with its orders and in particular:

1. Require the obligor to furnish a cash deposit or bond of a character and amount to [assure] *ensure* payment of any amount due.

2. Require the obligor to report personally and to make payments at specified intervals to the [clerk of the court.] *appropriate agency or office.*

3. Punish, under the power of contempt, the obligor who violates any order of the court.

4. Enter judgment for arrearages which have accrued, and to direct that the obligor retire such arrearages in addition to his regular support payments.

Sec. 278.5. NRS 130.250 is hereby amended to read as follows:

130.250 A responding court has the following duties which may be carried out through the [clerk of the court:] *appropriate agency or office:*

1. To transmit to the initiating court any payment made by the obligor pursuant to any order of the court or otherwise.

2. To furnish to the initiating court upon request a certified statement of all payments made by the obligor.

Sec. 278.7. NRS 130.260 is hereby amended to read as follows:

130.260 An initiating court shall , *through the appropriate agency or office,* receive and disburse forthwith all payments made by the obligor or sent by the responding court. [This duty may be carried out through the clerk of the court or other appropriate agency or office.]".

Amend the bill as a whole by adding a new section designated sec. 279.5, following sec. 279, to read as follows:

"Sec. 279.5. NRS 130.360 is hereby amended to read as follows:

130.360 1. An obligee seeking to register a foreign support order in a court of this state shall transmit to the clerk of the court:

(a) Three certified copies of the order with all modifications thereof;

(b) [One copy of the reciprocal enforcement of support act of the state in which the order was made;] *The social security number of the obligor, if known;*

(c) A statement verified and signed by the obligee, showing:

(1) The post office address of the obligee;

(2) The last known place of residence and post office address of the obligor;

(3) The amount of support remaining unpaid;

(4) A description and the location of any property of the obligor available upon execution; and

(5) A list of the states in which the order is registered.

2. Upon receipt of these documents the clerk of the court, without payment of a filing fee or other cost to the obligee, shall file them in the registry of foreign support orders. The filing constitutes registration under this chapter.

3. Promptly upon registration, the clerk of the court shall send, by certified or registered mail, to the obligor at the address given a notice of the registration with a copy of the registered support order and the post office address of the obligee. He shall also docket the case and notify the prosecuting attorney of his action. The prosecuting attorney shall proceed diligently to enforce the order.".

Amend sec. 291, page 125, by deleting line 7 and inserting:

"(b) Order of a district court,

the state registrar, upon the receipt of the".

Amend the bill as a whole by deleting sec. 291.5 and inserting:

"Sec. 291.5. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 297 and inserting:

"Sec. 297. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 310 through 314, renumbering sections 315 through 320 as sections 319 through 324 and adding new sections designated sections 310 through 318, following sec. 309, to read as follows:

"Sec. 310. Section 46 of this act is hereby amended to read as follows:

Sec. 46. "State" has the meaning ascribed to it in [NRS 130.0432.] *section 218 of this act.*

Sec. 311. Sec. 47 of this act is hereby amended to read as follows:

Sec. 47. [1.] To the extent that any provision of this chapter is inconsistent with the provisions of [28 U.S.C. § 1738B] *chapter 130 of NRS* regarding the effect, enforcement or modification of an order relating to the support of a child issued by a court other than a court of this state, the provision of this chapter does not apply to the order. The enforcement and any modification of such an order must comply with the provisions of [28 U.S.C. § 1738B. Such an order must not be modified unless the order is registered pursuant to NRS 130.330 to 130.370, inclusive.

2. For the purposes of this chapter, an order relating to the support of a child issued by a court of a state described in subsection 3 of NRS 130.0432 shall be deemed to have the same effect and must be treated in the same manner as a similar order of a state described in subsection 1 of NRS 130.0432.] *chapter 130 of NRS.*

Sec. 312. Section 69 of this act is hereby amended to read as follows:

Sec. 69. 1. The division shall adopt regulations establishing a formula for:

(a) The adjustment of court orders for the support of children based upon changes in the cost of living; and

(b) The times at which such an adjustment is appropriate.

2. If a request for the review of a court order for the support of a child has not been filed pursuant to NRS 125B.145 for such a time as the division establishes pursuant to subsection 1, the chief may, as provided in this section, order the responsible parent to pay monthly the amount he is required to pay pursuant to the court order plus an additional amount to compensate for changes in the cost of living.

3. Upon request by the responsible parent, the person to whom support is owed or the enforcing authority, the chief shall:

(a) Determine, in accordance with the formula established pursuant to subsection 1, the amount of the additional payments; and

(b) Notify the responsible parent, by first-class mail to his last known address, of the amount of the additional payments and that the additional payments must be made within 30 days after the mailing of the notice to the

parent unless a request for a review of the court order is filed pursuant to NRS 125B.145 within that time.

4. If a request for a review of the court order:

(a) Is filed pursuant to NRS 125B.145 within those 30 days, the court shall proceed pursuant to that section and the chief shall not enter an order pursuant to this section.

(b) Is not filed pursuant to NRS 125B.145 within those 30 days, the chief shall order the responsible parent to pay the additional amount.

5. An order entered by the chief pursuant to this section expires upon modification or adjustment, pursuant to NRS 125B.145, of the court order upon which the order entered by the chief is based.

6. The provisions of NRS 125B.080 do not apply to the entry of an order by the chief pursuant to this section.

7. As used in this section, "court order" means an order that a court of this state has jurisdiction to modify pursuant to [28 U.S.C. § 1738B.] *chapter 130 of NRS.*

Sec. 313. Section 121 of this act is hereby amended to read as follows:

Sec. 121. "State" has the meaning ascribed to it in [NRS 130.0432.] *section 218 of this act.*

Sec. 314. Section 123 of this act is hereby amended to read as follows:

Sec. 123. [1.] To the extent that any provision of this chapter is inconsistent with the provisions of [28 U.S.C. § 1738B] *chapter 130 of NRS* regarding the effect, enforcement or modification of an order relating to the support of a child issued by a court other than a court of this state, the provision of this chapter does not apply to the order. The enforcement and any modification of such an order must comply with the provisions of [28 U.S.C. § 1738B. Such an order must not be modified unless the order is registered pursuant to NRS 130.330 to 130.370, inclusive.

2. For the purposes of this chapter, an order relating to the support of a child issued by a court of a state described in subsection 3 of NRS 130.0432 shall be deemed to have the same effect and must be treated in the same manner as a similar order of a state described in subsection 1 of NRS 130.0432.] *chapter 130 of NRS.*

Sec. 315. Section 161 of this act is hereby amended to read as follows:

Sec. 161. "State" has the meaning ascribed to it in [NRS 130.0432.] *section 218 of this act.*

Sec. 316. Section 162 of this act is hereby amended to read as follows:

Sec. 162. [1.] To the extent that any provision of this chapter is inconsistent with the provisions of [28 U.S.C. § 1738B] *chapter 130 of NRS* regarding the effect, enforcement or modification of an order relating to the support of a child issued by a court other than a court of this state, the provision of this chapter does not apply to the order. The enforcement and any modification of such an order must comply with the provisions of [28

U.S.C. § 1738B. Such an order must not be modified unless the order is registered pursuant to NRS 130.330 to 130.370, inclusive.

2. For the purposes of this chapter, an order relating to the support of a child issued by a court of a state described in subsection 3 of NRS 130.0432 shall be deemed to have the same effect and must be treated in the same manner as a similar order of a state described in subsection 1 of NRS 130.0432.] *chapter 130 of NRS.*

Sec. 317. Section 167 of this act is hereby amended to read as follows:

Sec. 167. 1. A lien against the real or personal property of a responsible parent arising in another state to enforce an order that is entitled to recognition [in this state] *pursuant to chapter 130 of NRS* must be afforded full faith and credit in this state if the order and forms prescribed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 652(a)(11)(B) are recorded in the manner prescribed in section 166 of this act for a lien that arises in this state.

2. Notwithstanding the provisions of NRS 21.075, a person who wishes to enforce in this state a lien recorded pursuant to subsection 1 is not required to provide notice to the responsible parent and the responsible parent is not entitled to a hearing before the lien is enforced in this state.

Sec. 318. Section 277 of this act is hereby amended to read as follows:

Sec. 277. 1. If a support-enforcement agency of this state receives a request from a support-enforcement agency of another state to enforce a support order, the support-enforcement agency of this state shall respond to the request as required by 42 U.S.C. § 666. The request shall be deemed to constitute a certification by the support-enforcement agency of the other state:

(a) Of the amount of support under the order for which payment is in arrears; and

(b) That the agency has complied with all requirements for procedural due process applicable to the case.

2. A support-enforcement agency of this state may, by electronic or other means, transmit to the appropriate agency of another state a request for assistance in a case involving the enforcement of a support order. The request must include:

(a) Such information as will enable the agency to which the request is transmitted to compare information about the case to information maintained in that state; and

(b) A certification by the support-enforcement agency of this state:

(1) Of the amount of support under the order for which payment is in arrears; and

(2) That the agency has complied with all requirements for procedural due process applicable to the case.

3. If a support-enforcement agency of this state provides assistance to a support-enforcement agency of another state pursuant to subsection 1, no support-enforcement agency of this state may, for the purposes of Title IV of the Social Security Act (42 U.S.C. §§ 601 et seq.), consider the case to be transferred to the caseload of this state.

4. A support-enforcement agency of this state shall maintain records of:

(a) The number of requests received from a support-enforcement agency of another state pursuant to subsection 1;

(b) The number of cases for which the support-enforcement agency of this state collected support in response to such a request; and

(c) The amount of support collected in response to such a request.

[5. As used in this section, "support-enforcement agency" means a public official or agency authorized to:

(a) Seek the enforcement of support orders or laws relating to the duty of support;

(b) Seek the establishment or modification of child support;

(c) Seek a determination of parentage; or

(d) Locate obligors or their assets.]".

Amend sec. 316, page 136, by deleting line 22 and inserting:

"2. NRS 31A.240, 31A.260, 425.3815, 425.3842 and 440.320 are hereby repealed.

3. NRS 31A.210, 31A.220, 31A.230, 130.010,".

Amend sec. 316, page 136, by deleting lines 30 through 32 and inserting: "130.340, 130.350, 130.360 and 130.370 are hereby repealed.".

Amend the bill as whole by deleting sec. 321 and renumbering sec. 322 as sec. 325.

Amend sec. 322, page 137, line 20, by deleting "315" and inserting "319".

Amend sec. 322, page 137, line 24, by deleting: "317, 320 and 321" and inserting: "321 and 324".

Amend sec. 322, page 137, line 25, by deleting "316" and inserting "320".

Amend sec. 322, page 137, by deleting lines 32 through 36 and inserting:

"(a) Sections 44 to 82, inclusive, 83 to 88, inclusive, 89, 90, 91, 92, 93, 94, 95, 96 to 100, inclusive, 104, 105, 108 to 111, inclusive, 115 to 126, inclusive, 127, 128, 129 to 133, inclusive, 134, 135, 136, 137, 138, 139 to 154, inclusive, 155, 156, 157, 158 to 172, inclusive, 173 to 183, inclusive, 184 to 190, inclusive, 190.5, 191, 192, 193, 194, 277 to 277.7, inclusive, 278.1 to 282, inclusive, 285 to 296, inclusive, 322 and 323 of this act, and subsection 2 of section 320 of this act, become effective:".

Amend sec. 322, page 138, by deleting lines 5 through 20 and inserting:

"(d) Sections 7, 8, 9, 16 to 25, inclusive, 82.5, 88.5, 90.5, 91.5, 92.5, 95.5, 126.5, 128.5, 133.5, 135.5, 136.5, 137.5, 138.5, 154.5, 157.5, 172.5, 183.5, 190.3, 192.5, 193.5, 195 to 276, inclusive, 278, and 310 to 318, inclusive, of this act, and subsection 3 of section 320 of this act, become effective on January 1, 1998.

4. Sections 123.5 and 277.1 of this act expire by limitation on January 1, 1998.".

Amend the leadlines of repealed sections by deleting the leadline of NRS 425.3837.

Amend the title of the bill by deleting the eighth through tenth lines and inserting: "enforcement of an obligation for the support of a child; requiring".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Ernaut.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 401 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Ways and Means.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblymen Chowning, Parks, Perkins, Freeman and Segerblom.

Conflict of interest declared by Assemblyman Parks.

Roll call on Assembly Bill No. 403:

YEAS — 13.

NAYS — Arberry, Bache, Braunlin, Buckley, Carpenter, Cegavske, Close, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Humke, Krenzer, Lambert, Lee, Marvel, Mortenson, Perkins, Price, Sandoval, Von Tobel—26.

Not voting — Parks.

Excused — Amodei, Nolan—2.

Assembly Bill No. 403 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 412.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 412:
YEAS — 40.
NAYS — None.
Excused — Amodei, Nolan—2.
Assembly Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 438, 452, 457, 533; Assembly Joint Resolution No. 13; Senate Bills Nos. 102, 337 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 29, 192, 364, 382; Senate Bill No. 246.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Heglin.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Julius Davis.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Ricci Elkins, Russ Marler, Michael Tchudi, Ritchie Elkins, Kenneth Marler, Airreal Lewis, Josh Lewis, Rachel Anderson, Mike Kahan, Devan Budd, Trevor Mick, Chelsea Mick, Jordan Way, Nick Quiles and Kevin Kahan.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Shope-Wiles.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanne Johnston.

Assemblyman Perkins moved that the Assembly adjourn until Friday, June 6, 1997 at 11 a.m.
Motion carried.

Assembly adjourned at 1:12 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-EIGHTH DAY

CARSON CITY (Friday), June 6, 1997

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Ernaut and Nolan, who were excused.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

Awesome God, You are omnipotent, yet You often speak in a still, small voice. God there are many voices out there, some seek to comfort, others to criticize. As we make our way amidst the confusion and clamor, may we be ever listening for Your voice among all others. Convict, challenge or comfort us this day. We ask this with assurance that You alone know the desires of our hearts. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Health and Human Services.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 151, 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 8.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblyman Williams.

Resolution adopted.

Senate Concurrent Resolution No. 9.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblyman Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 567—An Act relating to special license plates; providing for the prospective expiration of certain provisions authorizing the issuance of special license plates; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 568—An Act relating to transportation; directing the Regional Transportation Commission of Clark County and the Nevada Department of Transportation to examine the feasibility of constructing an elevated fixed guideway system of mass transit in a certain part of the Las Vegas Valley; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Cegavske, Giunchigliani, Krenzer, Hettrick, Gustavson, Lambert, Humke, Amodei, Arberry, Williams, Lee, Close, Von Tobel, Goldwater, Marvel, Price, Manendo, Nolan, Mortenson, Koivisto, Parks, Braunlin, Bache, Anderson, Herrera, Chowning, de Braga, Evans, Buckley, Carpenter and Sandoval:

Assembly Bill No. 569—An Act relating to tobacco; requiring a retail establishment that is open to minors to keep tobacco and products related to the use of tobacco in a locked cabinet or display case; revising provisions governing the enforcement of various laws related to tobacco; revising provisions governing the enforcement of certain laws concerning the sale of

tobacco and products made from tobacco to minors; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 508.

Amend the bill as a whole by deleting sections 2 through 4 and adding new sections designated sections 2 through 4, following section 1 to read as follows:

"Sec. 2. *As used in this section and sections 3 and 4 of this act, "older patient" means a patient who is 60 years of age or older.*

Sec. 3. *1. Except as otherwise provided in section 4 of this act, each facility for intermediate care, facility for skilled nursing, residential facility for groups and agency to provide nursing in the home shall, when applying for a license or renewing a license, file with the administrator of the aging services division of the department of human resources a surety bond:*

(a) If the facility or agency employs less than 7 employees, in the amount of $10,000;

(b) If the facility or agency employs at least 7 but not more than 25 employees, in the amount of $50,000; or

(c) If the facility or agency employs more than 25 employees, in the amount of $100,000.

2. A bond filed pursuant to this section must be executed by the facility or agency as principal and by a surety company as surety. The bond must be payable to the aging services division of the department of human resources and must be conditioned to provide indemnification to an older patient who the specialist for the rights of elderly persons determines has suffered property damage as a result of any act or failure to act by the facility or agency to protect the property of the older patient.

3. Except when a surety is released, the surety bond must cover the period of the initial license to operate or the period of the renewal, as appropriate.

4. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the administrator of the aging services division of the department of human resources, but the release does not discharge or otherwise affect any claim filed by an older patient for property damaged as a result of any act or failure to act by the facility or

agency to protect the property of the older patient alleged to have occurred while the bond was in effect.

5. A license is suspended by operation of law when the facility or agency is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to section 4 of this act. The administrator of the aging services division of the department of human resources shall give the facility or agency at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the license will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.

Sec. 4. *1. As a substitute for the surety bond required pursuant to section 3 of this act, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups and an agency to provide nursing in the home may deposit with any bank or trust company authorized to do business in this state, upon approval from the administrator of the aging services division of the department of human resources:*

(a) An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this state;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this state or any city, county, town, township, school district or other instrumentality of this state, or guaranteed by this state, in an aggregate amount, based upon principal amount or market value, whichever is lower.

2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond required by section 3 of this act. With the approval of the administrator of the aging services division, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the aging services division of the department of human resources and are negotiable only upon approval by the administrator of the aging services division.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be an amount at least equal to the surety bond required by section 3 of this act and must state that the amount may not be withdrawn except by direct and sole order of the administrator of the aging services division.".

Amend the bill as a whole by deleting sec. 6 and adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

"Sec. 6. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Within 1 year after an older patient sustains damage to his property as a result of any act or failure to act by a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or an agency to provide nursing in the home in protecting the property, the older patient may file a verified complaint with the division setting forth the details of the damage.

2. Upon receiving a verified complaint pursuant to subsection 1, the administrator shall investigate the complaint and attempt to settle the matter through arbitration, mediation or negotiation.

3. If a settlement is not reached pursuant to subsection 2, the facility, agency or older patient may request a hearing before the specialist for the rights of elderly persons. If requested, the specialist for the rights of elderly persons shall conduct a hearing to determine whether the facility or agency is liable for damages to the patient. If the specialist for the rights of elderly persons determines that the facility or agency is liable for damages to the patient, he shall order the amount of the surety bond pursuant to section 3 of this act or the substitute for the surety bond necessary to pay for the damages pursuant to section 4 of this act to be released to the division. The division shall pay any such amount to the older patient or the estate of the older patient.

4. The division shall create a separate account for money to be collected and distributed pursuant to this section.

5. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in NRS 449.0015;

(b) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038;

(c) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039;

(d) "Older patient" has the meaning ascribed to it in section 2 of this act; and

(e) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 7. Each facility and agency that is required to file a surety bond pursuant to section 3 of this act shall file such bond or a substitute for the surety bond pursuant to section 4 of this act with the administrator of the aging services division of the department of human resources not later than November 1, 1997.".

Amend the bill as a whole by deleting the preamble.

Amend the title of the bill to read as follows: "An Act relating to medical facilities; requiring certain facilities that provide care for elderly persons to

file with the aging services division of the department of human resources a surety bond to provide indemnification to certain elderly patients; and providing other matters properly relating thereto.".

Amend the Summary of the bill to read as follows: "Summary—Requires certain medical facilities that provide care for elderly persons to file surety bond with aging services division of department of human resources. (BDR 40-493)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 548.

Amend section 1, page 1, line 3, by deleting "$864,585" and inserting "$1,200,299".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 456.

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

"Section 1. 1. There is hereby appropriated from the state general fund to the contingency fund created pursuant to NRS 353.266 the sum of $224,145 for allocation by the Interim Finance Committee to the Administrative Office of the Courts to conduct a statewide assessment of the current automation of the court system in this state and an analysis of future needs.

2. Upon the request of the Administrative Office of the Courts, the Interim Finance Committee shall allocate an amount not to exceed the appropriation made by subsection 1 if the Administrative Office of the Courts submits an acceptable plan for conducting such an assessment and analysis, including, without limitation, the selection of a person or entity to conduct the assessment and analysis.".

Amend the title of the bill as follows: "An Act making an appropriation to the contingency fund for allocation by the Interim Finance Committee to the Administrative Office of the Courts to conduct an assessment of the current automation of the court system; and providing other matters properly relating thereto.".

Amend the Summary of the bill as follows: "Summary—Makes appropriation to contingency fund for allocation by Interim Finance Committee to Administrative Office of the Courts. (BDR S-1411)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 388.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 431.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 5 as sections 1 through 4.

Amend sec. 2, page 1, line 12, by deleting "*366,*".

Amend sec. 3, page 2, line 11, by deleting: "364 [, 366]" and inserting "364, 366".

Amend sec. 5, page 2, line 28, by deleting "*366,*".

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 and 8 as sections 5 and 6.

Amend sec. 7, page 4, line 11, by deleting "*366,*".

Amend the bill as a whole by deleting sections 9 through 13 and renumbering sec. 14 as sec. 7.

Amend the bill as a whole by deleting sections 15 through 18 and the leadlines of repealed sections and adding a new section designated sec. 8, following sec. 14, to read as follows:

"Sec. 8. This act becomes effective on July 1, 1997.".

Amend the title of the bill, first and second lines, by deleting: "the taxes imposed on the sale or use of special fuel and".

Amend the Summary of the bill, first line, by deleting "and taxes".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 464.

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

"Sec. 2. 1. Any money remaining, after June 30, 1997, from the appropriation for which the prospective reversion was extended by section 1 of this act must be expended soley for direct client service and related programs. The money must not be expended to pay for any administrative cost.

2. The health division of the department of human resources shall, on or before January 15, 1999, submit a written report to the director of the legislative counsel bureau for transmittal to the legislature that contains information which assesses and measures whether the pilot program supported by the appropriation was successful.".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 512.

Amend section 1, page 1, by deleting lines 4 and 5 and inserting:

"*1. Except as otherwise provided in this subsection, a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. In An Action concerning a lease of commercial property, the court may, upon its own motion or that of a party, and upon a showing of good cause, order an additional bond to be posted to cover the expected costs on appeal. A surety*".

Amend section 1, page 1, by deleting lines 11 through 16 and inserting:

"*2. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a Summary eviction by serving the tenant with a new notice pursuant to NRS 40.253.*".

Amend sec. 3, page 3, line 32, by deleting the bracket.

Amend sec. 3, page 3, line 33, by deleting: "The] , *the*" and inserting "The".

Amend sec. 3, page 3, line 41, by deleting "[(1)] *(a)*" and inserting "(1)".
Amend sec. 3, page 3, line 42, by deleting "[(2)] *(b)*" and inserting "(2)".
Amend sec. 3, page 3, line 43, by deleting "[(3)] *(c)*" and inserting "(3)".
Amend sec. 3, page 4, line 1, by deleting "[(4)] *(d)*" and inserting "(4)".
Amend sec. 3, page 4, line 2, by deleting "[(5)] *(e)*" and inserting "(5)".
Amend sec. 3, page 4, line 4, by deleting "[(6)] *(f)*" and inserting "(6)".
Amend sec. 3, page 4, line 5, by deleting "[(7)] *(g)*" and inserting "(7)".
Amend sec. 3, page 4, line 7, by deleting "[(8)] *(h)*" and inserting "(8)".
Amend sec. 3, page 4, line 8, by deleting "[(9)] *(i)*" and inserting "(9)".

Amend sec. 3, page 4, by deleting line 9 and inserting: "(b) Except [where] *when* the tenant has timely filed the affidavit described in".

Amend sec. 3, page 4, line 11 after "agent," by inserting: "*and except when the landlord is prohibited pursuant to NRS 118A.480,*".

Amend sec. 3, page 4, line 12, by deleting the bracket.

Amend sec. 3, page 4, line 14 after "*4*" by inserting: "*, regardless of the information contained in the affidavit,*".

Amend sec. 3, page 4, by deleting lines 17 through 19 and inserting: "sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 529.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 16.

MARY JO MONGELLI
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 150.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 150:

YEAS—36.

NAYS—Berman, Goldwater, Herrera, Perkins — 4.

Excused—Ernaut, Nolan—2.

Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Collins:

Amendment No. 544.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "transportation within Clark County and the municipalities located therein.".

Amend section 1, pages 1 and 2, by deleting line 14 on page 1 and line 1 on page 2 and inserting: "of mass transit would be in addition to any".

Amend the title of the bill, third and fourth lines, by deleting: "a certain part of the Las Vegas Valley;" and inserting "Clark County;".

Amend the summary of the bill, third line by deleting: "in certain part of Las Vegas Valley." and inserting a period.

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblymen Collins, Parks and Herrera.

Conflict of interest declared by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 369.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 369:

YEAS—40.

NAYS—None.

Excused—Ernaut, Nolan—2.

Assembly Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 178 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Joint Resolution No. 13.

Remarks by Assemblywoman Buckley.

Motion carried.

Assembly Bill No. 438.
Bill read third time.
Remarks by Assemblyman Perkins.
Roll call on Assembly Bill No. 438:
YEAS—40.
NAYS—None.
Excused—Ernaut, Nolan—2.
Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 452.
Bill read third time.
Remarks by Assemblywoman de Braga.
Roll call on Assembly Bill No. 452:
YEAS—40.
NAYS—None.
Excused—Ernaut, Nolan—2.
Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 457.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 457:
YEAS—40.
NAYS—None.
Excused—Ernaut, Nolan—2.
Assembly Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 533.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 533:
YEAS—40.
NAYS—None.
Excused—Ernaut, Nolan—2.
Assembly Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 12:11 p.m.

Mr. Speaker presiding.

All present except Assemblymen Collins, Ernaut and Nolan, who were excused.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 13:

YEAS—39.

NAYS—None.

Excused—Collins, Ernaut, Nolan—3.

Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 178.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 543.

Amend sec. 10, page 3, by deleting sec. 10 and inserting:

"Sec. 10. (Deleted by amendment.)".

Amend the title of the bill, fifth and sixth lines, by deleting: "requiring a natural person to disclose known defects in a vehicle that he sells to another natural person;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 102.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Senate Bill No. 102:
YEAS — 39.
NAYS — None.
Excused — Collins, Ernaut, Nolan — 3.
Senate Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 131.
Bill read third time.
Remarks by Assemblymen Koivisto, Arberry and Anderson.
Assemblyman Anderson moved that Senate Bill No. 131 be re-referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 264.
Bill read third time.
Remarks by Assemblymen Hettrick, Parks and Humke.
Conflict of interest declared by Assemblyman Parks.
Roll call on Senate Bill No. 264:
YEAS — 38.
NAYS — None.
Not voting — Parks.
Excused — Collins, Ernaut, Nolan — 3.
Senate Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 277.
Bill read third time.
Remarks by Assemblywoman Segerblom.
Roll call on Senate Bill No. 277:
YEAS — 39.
NAYS — None.
Excused — Collins, Ernaut, Nolan — 3.
Senate Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 337.
Bill read third time.
Remarks by Assemblywoman Krenzer.

Roll call on Senate Bill No. 337:

YEAS — 39.

NAYS — None.

Excused — Collins, Ernaut, Nolan — 3.

Senate Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Joint Resolution No. 6:

YEAS — 39.

NAYS — None.

Excused — Collins, Ernaut, Nolan — 3.

Senate Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 243.

The following Senate amendment was read:

Amendment No. 390.

Amend sec. 2, page 3, line 1, after "*test* " by inserting: "*as set forth in subsection 7* ".

Amend sec. 10, page 7, line 26, after "blood" by inserting "*or breath*".

Amend sec. 10, page 7, line 36, after "*test* " by inserting: "*as set forth in subsection 7* ".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 243.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 292.

The following Senate amendment was read:

Amendment No. 400.

Amend section 1, page 1, by deleting lines 9 through 11 and inserting: "*that:*

(a) A certain amount of money, or certain other assets, be retained by the executor or administrator to:

(1) Satisfy the claim or tax; and

(2) Pay any fees or costs related to the claim or tax, including, but not limited to, fees for appraisals, attorney's fees and court costs; and

(b) The remainder of the estate be distributed.".

Amend sec. 2, page 2, by deleting lines 17 and 18 and inserting: "hearing, by registered or certified mail, to [each] :

(a) Each person whose interest is affected as an heir, devisee or legatee [.] *; and*

(b) The welfare division of the department of human resources, if the welfare division has filed a claim against the estate.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 292.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 38, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Braunlin and Parks as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 38.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Livoni and Marti Harvey.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Magliano and Paul Stone.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ralph Toddre.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Norria van den Berg and Gail van den Berg.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, June 7, 1997 at 8 a.m.

Motion carried.

Assembly adjourned at 12:34 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-NINTH DAY

CARSON CITY (Saturday), June 7, 1997

Assembly called to order at 8:28 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Amodei, Carpenter, Collins, de Braga, Ernaut, Mortenson and Nolan, who were excused.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

All-knowing God, though we see only a portion of the picture, You know all the details that make up the full tapestry of our lives. As we serve You this day, may we pay attention to those details that are important to You: a kind word, a patient spirit, sound judgment and understanding. Help us to talk less and listen more. Teach us to do the right thing always though we may not receive accolades from those around us. We ask this in dependence upon You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 463.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 39.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 145.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 205, 254, 353.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 28.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblywoman Freeman.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Infrastructure:

Assembly Bill No. 570—An Act relating to governmental services; providing for the creation of assessment districts for the maintenance of landscaping, security walls and public lighting; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

By Assemblymen Gustavson, Cegavske, Tiffany, Von Tobel, Berman, Marvel, Carpenter and Hettrick:

Assembly Bill No. 571—An Act relating to education; providing in skeleton form for a temporary program of voucher schools; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Chowning, Price, Hettrick, Koivisto, Evans, Goldwater, Krenzer, Lambert, Segerblom, Tiffany, Ernaut, Neighbors, Bache, Herrera, Ohrenschall, Cegavske and Parks:

Assembly Bill No. 572—An Act relating to professions; permitting an ophthalmologist and an optometrist to cooperate in the formation of a professional corporation or a professional association; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 145.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 205.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 254.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 353.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 495.

Amend the bill as a whole by deleting sections 1 through 22 and adding new sections designated sections 1 through 19, following the enacting clause, to read as follows:

"Section 1. Chapter 679B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Bureau" means the bureau of protections for consumers of health care.*

Sec. 4. *"Chief" means the chief of the bureau.*

Sec. 5. *"Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer to provide, deliver, arrange for, pay for or reimburse any of the costs or health care services.*

Sec. 6. *"Insured" means a person covered by a policy of health insurance issued in the State of Nevada by an insurer.*

Sec. 7. *"Insurer" means any insurer or organization authorized pursuant to this Title to conduct business in this state that provides or arranges for the provision of health care services, including, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation, a health maintenance organization, a plan for dental care and a prepaid limited health service organization.*

Sec. 8. *"Provider of health care" means a physician, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist,*

licensed marriage and family therapist, chiropractor, doctor of Oriental medicine in any form, medical laboratory director or technician, or pharmacist.

Sec. 9. *1. The bureau of protections for consumers of health care is hereby created within the division.*

2. The commissioner shall appoint a chief of the bureau who is in the classified service of the state and is directly responsible to the commissioner. The chief must be selected on the basis of his education, training, experience and demonstrated abilities, and his interest in assisting insureds. The experience required pursuant to this subsection must include, without limitation, experience with and knowledge of:

(a) The field of health care;

(b) The provisions of this Title;

(c) Health insurance and administrators of health care plans;

(d) Managed care organizations, including, without limitation, health maintenance organizations; and

(e) The provisions of chapters 439, 439B, 441A, 442, 449, 450, 450B, 451, 457, 458 and 460 of NRS.

Sec. 10. *The chief shall:*

1. Establish procedures and policies for the management of the bureau;

2. Subject to the approval of the commissioner, appoint such personnel as are necessary for the proper and efficient performance of the functions of the bureau;

3. Prescribe the duties of the personnel of the bureau;

4. Submit to the director of the legislative counsel bureau a biennial report on January 31 of each odd-numbered year for distribution to the legislature summarizing the information collected pursuant to subsection 10 of section 11 of this act during the preceding biennium, including, without limitation, suggestions for any necessary legislation concerning the provision of health care services; and

5. Take such other action as may be necessary or appropriate to carry out the purposes of sections 2 to 16, inclusive, of this act.

Sec. 11. *The bureau shall:*

1. Establish a toll-free telephone service for receiving inquiries and complaints from insureds in this state;

2. Take such actions as are necessary to ensure public awareness of the existence and purpose of the bureau and to educate consumers of health care concerning the provision of health care services in this state;

3. Provide prompt answers to inquiries of insureds concerning the provision of health care services, or refer the insureds to the appropriate agency, department or other entity that is responsible for addressing the specific type of inquiry;

4. Refer insureds to the appropriate agency, department or other entity that is responsible for addressing the specific type of complaint of the insured;

5. Resolve complaints of insureds related to the provision of health care services, as provided in section 12 of this act;

6. Provide counseling and assistance to insureds concerning their health care plans, including, without limitation, assistance concerning coverage for health care services, filing complaints and accessing the complaint and appeal process;

7. Investigate reports of poor quality of health care services or improper treatment of insureds provided pursuant to the health care plan of an insured, and notify the appropriate agency, department or other entity that is responsible for addressing such cases of the findings of the investigation;

8. Advocate for the rights of consumers of health care in this state;

9. Enforce the provisions of this Title pursuant to any power delegated to the bureau by the commissioner pursuant to NRS 679B.110; and

10. Maintain a record of each inquiry and complaint received from an insured and a record of the action taken by the bureau concerning each such inquiry and complaint.

Sec. 12. *1. If an insured has exhausted all of his available remedies, including, without limitation, any procedure for the filing of a complaint or appeal that is available through his insurer, he may request the chief to assist him to resolve a dispute with his insurer. Except as otherwise provided in subsection 4, upon receiving such a request, the chief or his designated representation shall hear, mediate, arbitrate or resolve by any other alternative means of dispute resolution the dispute between the insured and his insurer if the dispute concerns the provision of health care services or the denial of coverage for treatment. The chief may provide such assistance in any other matter he deems appropriate.*

2. The decision of the chief or his designated representative pursuant to subsection 1 is a final decision for the purpose of judicial review.

3. The chief or his designated representative may subpoena witnesses, compel their attendance, administer oaths, examine any person under oath relative to the subject of a hearing conducted pursuant to this section, and compel any person to subscribe to his testimony after it has been correctly reduced to writing, and in connection therewith, require the production of books, papers, records, correspondence or other documents that he deems relevant to the inquiry.

4. The chief may decline to resolve a case that he determines to be trivial, without merit or beyond the scope of his jurisdiction.

5. Any medical information concerning an insured obtained pursuant to this section must be kept confidential.

Sec. 13. *1. The chief or his designated representative may, if authorized by the commissioner, examine an insurer in the manner provided in NRS 679B.230 to 679B.300, inclusive.*

2. Any information obtained pursuant to this section must be kept confidential as provided in NRS 679B.190.

Sec. 14. *Each insurer shall include on each health insurance card or evidence of coverage issued to an insured:*

1. The toll-free telephone number established pursuant to subsection 1 of section 11 of this act, printed in at least 12-point type; and

2. The name of the bureau and its hours of operation, printed in at least 10-point type.

Sec. 15. *1. The bureau shall establish, and revise annually, a list of providers of health care who do not have a contract with an insurer for the provision of services, to assist and advise the bureau concerning the appropriateness of health care delivered by an insurer, the denial of health care services or coverage by an insurer, and any other issue that affects insureds.*

2. The bureau may assign two persons with relevant training and experience from the list established pursuant to subsection 1 to assist with each complaint received pursuant to section 11 of this act and each dispute resolved pursuant to section 12 of this act.

3. While engaged in assisting the bureau with a complaint, each person assigned pursuant to subsection 2 is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. A person assigned to assist the bureau pursuant to this section is not liable for any damage or injury to any person, including, without limitation, death, as a result of any advice or assistance provided to the bureau pursuant to this section.

5. For the purposes of this section, "provider of health care" includes a provider of health care who is or was licensed, certified or otherwise authorized to practice pursuant to the laws of any state.

Sec. 16. *1. Each insurer authorized to transact health insurance in this state shall pay to the division an annual fee on or before March 1 of each year in an amount determined by the division pursuant to this section, but not to exceed $500, to cover the costs of the bureau for the administration and enforcement of sections 2 to 15, inclusive, of this act.*

2. The commissioner shall annually determine the amount of the fee by determining the costs of the bureau for the administration and enforcement of sections 2 to 15, inclusive, of this act, including, without limitation, any expenses incident to or associated with the requirements of those sections, and equally dividing the cost among insurers.

3. The division shall mail to each insurer a notice of the amount of the fee on or before January 15 of each year.

Sec. 17. NRS 695A.555 is hereby amended to read as follows:

695A.555 Societies are not exempt from the provisions of NRS 679B.158 [.] *or section 16 of this act.* If a society is an admitted health insurer, as that term is defined in NRS 449.450, it is not exempt from the fees imposed pursuant to NRS 449.465.

Sec. 18. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679B.158 and 680B.025 to 680B.060, inclusive, subsections 2, 4, 18, 19 and 32 of NRS 680B.010 and NRS 689C.015 to 689C.350, inclusive, *and section 16 of this act,* apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 19. This act becomes effective on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to health care; creating the bureau of protections for consumers of health care within the division of insurance of the department of business and industry; setting forth the duties of the bureau; providing for an annual fee to be paid by insurers to cover the costs of the bureau; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Creates bureau of protections for consumers of health care. (BDR 57-997)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Assemblywoman Freeman moved that Assembly Bill No. 30 be re-referred to the Committee on Health and Human Services.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Health and Human Services.

Assembly Bill No. 151.

Bill read second time.

Assemblyman Anderson moved that Assembly Bill No. 151 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 355.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 491.

Amend sec. 8, page 2, line 22, by deleting: "subsections 2 and" and inserting "subsection".

Amend sec. 8, page 2, line 31, by deleting "without limitation," and inserting: "but not limited to,".

Amend sec. 8, page 3, by deleting lines 1 through 11 and inserting:

"(d) The regulated person or regulated facility has not been issued a citation for a violation of the environmental requirement in the immediately preceding 3 years;

(e) The regulated person did not obtain an actual economic benefit or advantage as a result of the violation; and

(f) The regulated person entered into an enforceable agreement with the appropriate regulatory agency to:

(1) Comply, as soon as practicable after the violation, with the environmental requirement;

(2) Remedy any damage or other harm caused by the violation; and

(3) Take action to prevent a recurrence of the violation.

2. A written agreement that prescribes the scope, methods and schedule for conducting an environmental audit may be reasonably modified if the regulated person and the regulatory agency specifically agree to the modification.".

Amend sec. 8, page 3, line 12, by deleting "requires" and inserting "provides for".

Amend sec. 9, page 3, line 22, by deleting: "subsection 2 and".

Amend sec. 9, page 3, line 31, by deleting "without limitation," and inserting: "but not limited to,".

Amend sec. 9, page 3, by deleting lines 37 through 44 and inserting:

"(c) The regulated person or regulated facility has not been issued a citation for a violation of the environmental requirement in the immediately preceding 3 years;

(d) The regulated person entered into an enforceable agreement with the appropriate regulatory agency to:

(1) Comply, as soon as practicable after the violation, with the environmental requirement;

(2) Remedy any damage or other harm caused by the violation; and

(3) Take action to prevent a recurrence of the violation; and

(e) The environmental requirement that was violated is not a requirement for which the regulated person or regulatory facility was specifically required to comply pursuant to a judicial or administrative order or consent agreement.

2. A written agreement that prescribes the scope, methods and schedule for conducting an environmental audit may be reasonably modified if the

regulated person and the regulatory agency specifically agree to the modification.".

Amend sec. 9, page 4, line 1, by deleting "requires" and inserting "provides for".

Amend sec. 10, page 4, by deleting lines 22 through 26 and inserting:

"3. The violation resulted in serious actual harm or presented an imminent or substantial danger to the public health or the environment;

4. The environmental audit was conducted for a fraudulent purpose;

5. The regulated person obtained an actual economic benefit or advantage as a result of the violation; or

6. The regulated person conducted a previous environmental audit that disclosed the violation and he intentionally failed to report that violation to the appropriate regulatory agency.".

Amend the bill as a whole by deleting sec. 12 and adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. 1. Except as otherwise provided in this section, an environmental audit conducted pursuant to the provisions of this chapter shall be deemed privileged and is not admissible in an administrative proceeding or civil action against the regulated person who conducted the audit or the regulated facility which is owned or operated by the regulated person.

2. The privilege provided by subsection 1 does not apply if:

(a) An administrative proceeding or civil action is commenced by a regulatory agency;

(b) The regulated person expressly waives the privilege; or

(c) A court or administrative hearing officer determines in camera that the presumption against administrative or civil liability is rebutted pursuant to section 10 of this act.

3. For the purposes of paragraph (b) of subsection 2, a regulated person does not waive the privilege if he voluntarily discloses, pursuant to sections 2 to 13, inclusive, of this act, the results of an environmental audit or a violation of an environmental requirement discovered as a result of an environmental audit to a regulatory agency.

4. This section does not prohibit a person or entity from:

(a) Obtaining information concerning a violation of an environmental requirement from a source independent of an environmental audit.

(b) Commencing an administrative proceeding or civil or criminal action against a regulated person or a regulated facility which is owned or operated by a regulated person based upon information that was obtained from a source independent of an environmental audit.

(c) Intervening in a proceeding or action filed against a regulated person or regulated facility if the intervention is specifically authorized by statute or regulation.".

Amend sec. 13, page 4, line 40, by deleting "A" and inserting "1. A".

Amend sec. 13, page 4, between lines 41 and 42, by inserting:

"2. The fact that a regulated person does not conduct an environmental audit pursuant to the provisions of sections 2 to 13, inclusive, of this act, must not be considered by a court or administrative hearing officer in determining whether to impose administrative, civil or criminal liability for a violation of an environmental requirement by the regulated person.".

Amend the title of the bill by deleting the fifth and sixth lines and inserting: "disclosure is made; providing a limited evidentiary privilege for an environmental audit under certain circumstances; and providing other matters properly relating".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 468.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 569.

Amend section 1, page 1, by deleting lines 3 through 6 and inserting: "*All credits earned by a student in a course at a community college within the system must be accepted and applied toward the coursework required of the student in his major, if applicable, or other coursework required of the student, for the award of a baccalaureate degree upon graduation of the student from any university within the system if the catalog for the community college:*

1. Designates the course as transferable by the system;

2. Identifies the course by the same title as the equivalent required course offered at a university; and

3. Contains the same description for the course as the equivalent required course offered at a university.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 475.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 433.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Assembly Bill No. 433:

YEAS — 35.

NAYS — None.

Excused — Amodei, Carpenter, Collins, de Braga, Ernaut, Mortenson, Nolan—7.

Assembly Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Assembly Bill No. 448:

YEAS — 35.

NAYS — None.

Excused — Amodei, Carpenter, Collins, de Braga, Ernaut, Mortenson, Nolan—7.

Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 529.

Bill read third time.

Remarks by Assemblymen Chowning, Anderson, Price and Segerblom.

Roll call on Assembly Bill No. 529:

YEAS — 35.

NAYS — None.

Excused — Amodei, Carpenter, Collins, de Braga, Ernaut, Mortenson, Nolan—7.

Assembly Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 100.

The following Senate amendment was read:

Amendment No. 485.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Assemblyman Herrera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 100.

Remarks by Assemblyman Herrera.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 133.

The following Senate amendment was read:

Amendment No. 358.

Amend sec. 3, page 1, by deleting line 17 and inserting: "*operates the vehicle pursuant to that lease may apply to the department for a*".

Amend sec. 6, page 2, by deleting line 39 and inserting: "*leases it to a carrier and operates the vehicle pursuant to that lease, or a* new or used".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 133.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 215.

The following Senate amendment was read:

Amendment No. 476.

Amend section 1, page 1, by deleting lines 9 and 10 and inserting: "vehicle of a person if the requester submits a [notarized] *written* release from the person who holds a lien on the vehicle *, or an agent of that person,* or the person about whom the".

Amend section 1, page 1, line 12, after "request." by inserting: "*The written release must be in a form required by the director.*".

Amend section 1, page 1, by deleting line 16 and inserting: "imposed for parking violations, [or] who is not conducting an investigation pursuant to NRS 253.0415, 253.044 or 253.220 [:] *, or who is not authorized to transact insurance pursuant to chapter 680A of NRS:*".

Amend section 1, page 3, line 23, by deleting "*(i)*" and inserting:

"(i) In connection with an investigation conducted pursuant to NRS 253.0415, 253.044 or 253.220.

(j)".

Amend section 1, page 3, line 26, by deleting "*(j)*" and inserting "*(k)*".

Amend section 1, page 3, line 35, by deleting "*(i)*" and inserting "*(j)*".

Amend section 1, page 3, line 39, by deleting "[which] *whom*" and inserting "whom".

Amend the title of the bill, fourth line, after "distributions;" by inserting: "authorizing the director of the department to release additional personal information to insurers;".

Amend the summary of the bill to read as follows: "Summary—Expands circumstances under which personal information contained in files and records of department of motor vehicles and public safety may be released. (BDR 43-177)".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 215.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 156; Assembly Concurrent Resolutions Nos. 34, 35; Senate Bill No. 91.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Herrera and Cegavske as a Committee to review the status of the Conference Committees.

Assemblyman Perkins moved that the Assembly adjourn until Monday, June 9, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 9:07 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-FIRST DAY

CARSON CITY (Monday), June 9, 1997

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Al Fry.

Eternal Creator. You have created each of us powerfully and uniquely. You have bestowed upon us special gifts, talents and responsibilities. It is because of Your divine providence that these men and women find themselves in positions of leadership in this august and distinguished body. As they face the myriad of decisions that will affect the men, women and children of this great state, now and in the years to come, fill them with Your wisdom. Help them to lay aside their own personal agendas and fill them with Your guidance and power. Fill them with love and humility. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 289, 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 242, 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

By Assemblymen Von Tobel, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany and Williams:

Assembly Concurrent Resolution No. 40—Commending the 1997 National Collegiate Athletic Association Division I Tennis Champions, Luke Smith and Tim Blenkiron.

WHEREAS, The National Collegiate Athletic Association Division I Tennis Championships are prestigious competitions and the winning of NCAA titles a highly coveted honor; and

WHEREAS, On May 25, 1997, Luke Smith, a senior at the University of Nevada, Las Vegas, took home the NCAA Division I men's singles title, becoming the first unseeded player to win the title since 1991; and

WHEREAS, On the same day, Luke Smith and Tim Blenkiron, also a senior at UNLV, teamed up to win the NCAA Division I men's doubles title; and

WHEREAS, The outstanding coaching efforts of UNLV Tennis Coach Larry Easley helped to make these victories and the strong appearance of UNLV at the NCAA Championships possible; and

WHEREAS, Luke Smith is only the third UNLV men's tennis player to earn a position in the NCAA Championships and only the second to win a match in the competition; and

WHEREAS, Throughout the entire singles competition, Luke Smith did not lose a set; and

WHEREAS, Luke Smith obtained a rare double crown, claiming both the singles and doubles title in the same year, a feat accomplished only one other time in the past 20 years; and

WHEREAS, The team of Tim Blenkiron and Luke Smith was not seeded in the tournament and became the first unseeded NCAA doubles champion since 1989; and

WHEREAS, Over the 5 days of competition, Tim Blenkiron and Luke Smith lost only one set; and

WHEREAS, It was the first appearance by Tim Blenkiron in the NCAA Championships, and Luke Smith has been a part of every doubles team from UNLV to participate in the competition; and

WHEREAS, These victories earned UNLV its first NCAA tennis titles and are the fifth and sixth NCAA titles ever won by UNLV athletes; and

WHEREAS, Through these victories, both men have earned themselves automatic berths at the U.S. Open Tennis Tournament this August; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th session of the Nevada Legislature do hereby commend Luke Smith and Tim Blenkiron for their fabulous victories at the 1997 NCAA Division I Tennis Championships; and be it further

RESOLVED, That the members of this body further recognize the strong coaching of UNLV Tennis Coach Larry Easley in the achievement of these victories; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to tennis champions Luke Smith and Tim Blenkiron and Coach Larry Easley.

Assemblywoman Von Tobel moved the adoption of the resolution.

Remarks by Assemblymen Von Tobel, Chowning, Cegavske and Price.

Assemblywoman Von Tobel requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN VON TOBEL:

Thank you, Mr. Speaker. Assembly Concurrent Resolution 40 honors UNLV Tennis Coach Larry Easley and men's tennis members Luke Smith and Tim Blenkiron. The two tennis championships are only the fifth and sixth NCAA titles for UNLV.

Luke Smith obtained a rare double crown. In the last 20 years of the NCAA Championships, the same player has claimed the singles and doubles titles in the same year only once.

This was Tim Blenkiron's first appearance ever in the NCAA Tournament. Tim, a three-year, all-conference performer, entered his senior year at UNLV with the most career single victories—48—on the team.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I rise in support of ACR 40. These young men and the coach are a source of pride for UNLV. When I was a student—just a couple years ago—UNLV was Nevada's southern university. That was in the early days of the tennis team, so they've come a long way, and I'd like to offer my congratulations.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I rise in support of ACR 40, and I want to congratulate Luke, Tim and Coach Easley for a job well done. You are the pride of Nevada, and I want to thank you very much. Tennis is one of my favorite sports, and I wish I could have been there to watch you. Congratulations and thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It is with great pleasure that I also rise in support of the resolution. I'm sure all of you realize that not only we in the legislature, but all of Nevada, is very, very proud of your accomplishments, and we thank you very much.

ASSEMBLYWOMAN VON TOBEL:

I'd like to introduce and present the certificates and tell you a little bit about the players. Luke Smith was born October 25, 1976. He graduated from Adelaide High School in Australia. He is the son of Peter and Bronwyn Smith. His parents are both teachers. His father is also a tennis coach and was a mentor of Aussie great, John Fitzgerald. Luke spent summers in Sweden playing tournaments. He majored in fine arts. Luke had set a goal to reach the NCAA in both singles and doubles.

Tim Blenkiron was born November 26, 1975, in Woodside, Australia. The son of Kingsley and Mary-Anne Blenkiron, he has one brother, and both of his parents are teachers. He is majoring in hotel administration, and he has spent his summers in Sweden. He set a goal to help win the WAC title this season.

It shows when young men set their sights high what they can do.

Coach Larry Easley was born in Bakersfield, California. He has coached for 31 years and coached number-one ranked Pete Sampras from the time he was eight until he was 15 years old. He has coached five National Juniors. With a very long distance phone call, Coach Larry Easley laid the groundwork for UNLV to win its first NCAA Tennis Championship, Australian-style.

Could you join me in congratulating them?

Resolution adopted.

Assemblywoman Von Tobel moved that all rules be suspended and that Assembly Concurrent Resolution No. 40 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Hickey, Dini, Hettrick, Von Tobel, Ernaut, Mortenson, Lambert, Williams, Amodei, Freeman, Neighbors, de Braga, Humke, Tiffany, Close, Cegavske, Nolan, Marvel, Braunlin, Berman, Carpenter, Sandoval and Gustavson:

Assembly Concurrent Resolution No. 41—Commending Dr. James K. Gentry for his contributions to the Donald W. Reynolds School of Journalism at the University of Nevada, Reno.

WHEREAS, Dr. James K. Gentry joined the faculty of the University of Nevada, Reno, in 1992, after almost 15 years at the University of Missouri School of Journalism where he was an associate and an assistant professor; and

WHEREAS, While employed at the University of Missouri School of Journalism, Dr. Gentry was twice elected Chairman of the Editorial Department and was also Assistant Director of the University's Honors College; and

WHEREAS, Under the leadership of Dr. Gentry, the Donald W. Reynolds School of Journalism is now recognized as a leader in the integration of emerging digital technologies into journalism instruction and in the application of critical thinking throughout the curriculum; and

WHEREAS, Dr. Gentry received his Ph.D. in journalism from the University of Missouri in 1993, giving his dissertation on a case study analysis of the ramifications of introducing a major change into a daily newspaper; and

WHEREAS, Dr. Gentry works frequently with newspapers to bring about organizational change intended to improve the quality of management and to improve business news coverage; and

WHEREAS, Dr. Gentry is a member of the Accrediting Committee of the Accrediting Council for Education in Journalism and Mass Communications; and

WHEREAS, With the help of funding from the American Press Institute, Dr. Gentry has analyzed change activities at newspapers that have taken the lead in new approaches in their newsrooms and in the paper as a whole, and his research has resulted in a changed process model that is used at conferences organized by the American Press Institute and at a number of newspapers; and

WHEREAS, In the past 2 years, Dr. Gentry has spoken at 10 seminars sponsored by the American Press Institute on change, newsroom leadership and critical/creative thinking, and he is one of the few academics who regularly speaks at such seminars; and

WHEREAS, Dr. Gentry has also been involved in newspaper change activities for 8 years as a facilitator for "New Directions for News," a creativity think tank at the University of Missouri School of Journalism; and

WHEREAS, Dr. Gentry was the first Executive Director of the Society of American Business Editors and Writers and under his guidance this organization grew from 124 members to over 1,100 members; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th Session of the Nevada Legislature do hereby commend Dr. James K. Gentry for the 5 dedicated years in which he has served as Dean of the Donald W. Reynolds School of Journalism and Center for Advanced Media Studies; and be it further

RESOLVED, That the Nevada Legislature extends its best wishes to Dr. Gentry as he continues his career in journalism as the Dean of the William Allen White School of Journalism and Mass Communications at the University of Kansas, which has one of the strongest journalism programs in the nation; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Dr. James K. Gentry.

Assemblyman Hickey moved the adoption of the resolution.

Remarks by Assemblymen Hickey and Evans.

Resolution adopted.

Assemblyman Hickey moved that all rules be suspended and that Assembly Concurrent Resolution No. 41 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 573—An Act relating to wildlife; authorizing the board of wildlife commissioners to accept sealed bids for or to auction a certain number of wild turkey tags each year; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 574—An Act relating to public welfare; requiring the welfare division of the department of human resources to continue to contract with certain primary care case management contractors; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 575—An Act relating to the state seal; designating official colors for reproductions and facsimiles of the state seal; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 576—An Act relating to state securities; allowing certain agencies authorized to issue bonds to delegate the authority to sign contracts or accept binding bids for bonds to the state treasurer under certain circumstances; transferring certain duties relating to the issuance and redemption of state securities from the state board of examiners to the state board of finance; repealing certain requirements relating to the public sale of state securities; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblymen Buckley and Arberry.

Assemblyman Arberry moved that Assembly Bill No. 11 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 178.

Bill read third time.

Remarks by Assemblymen Buckley, Chowning, Price, Ernaut, Manendo, Lambert, Tiffany, Giunchigliani and Collins.

Roll call on Assembly Bill No. 178:

YEAS — 30.

NAYS — Berman, Cegavske, Ernaut, Gustavson, Hettrick, Hickey, Marvel, Neighbors, Sandoval, Tiffany, Von Tobel —11.

Excused — Carpenter.

Assembly Bill No. 178 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 233:

YEAS — 41.

NAYS — None.

Excused — Carpenter.

Assembly Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 235:

YEAS — 41.

NAYS — None.

Excused — Carpenter.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblymen Collins, Nolan and Parks.

Conflict of interest declared by Assemblyman Parks.

Potential conflict of interest declared by Assemblyman Nolan.

Roll call on Assembly Bill No. 365:

YEAS — 40.

NAYS — None.

Not voting — Parks.

Excused — Carpenter.

Assembly Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388.

Bill read third time.

Remarks by Assemblymen Price and Freeman.

Roll call on Assembly Bill No. 388:

YEAS — 41.

NAYS — None.

Excused — Carpenter.

Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 447.

Bill read third time.

Remarks by Assemblymen Krenzer and Giunchigliani.

Roll call on Assembly Bill No. 447:

YEAS — 41.

NAYS — None.

Excused — Carpenter.

Assembly Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 475.

Bill read third time.

Remarks by Assemblymen Buckley, Hickey, Anderson, Price, Perkins, Segerblom, Bache and Ohrenschall.

Roll call on Assembly Bill No. 475:

YEAS — 24.

NAYS — Anderson, Chowning, Collins, de Braga, Ernaut, Gustavson, Hettrick, Hickey, Humke, Krenzer, Lambert, Marvel, Mortenson, Neighbors, Nolan, Price, Von Tobel—17.

Excused — Carpenter.

Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblymen Buckley, Hettrick and Ernaut.

Conflict of interest declared by Assemblyman Hettrick.

Assemblywoman Buckley moved that Assembly Bill No. 484 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 9, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 48.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 48.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:39 p.m.

ASSEMBLY IN SESSION

At 12:40 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Dini requested that his remarks be entered in the Journal.

Thank you, Madam Speaker pro Tempore. I have a matter of serious importance to this body that we need to discuss—our upcoming softball game with our colleagues down the hall.

I was reading the Senate Journal about two weeks ago in which the Majority Leader put in the Journal his statement concerning the game. I would request that my statement concerning the game be placed in our Journal. I was dismayed to read that the distinguished Majority

Leader of that body was casting aspersions on this House. As you know, our biennial softball game is soon to be upon us, and we will have the opportunity to correct that horrific inequity from last session in which we were robbed of our trophy. We were robbed of the trophy on more than one occasion, as you may recall. You may also recall, as even the distinguished Majority Leader was forced to do, that the real hero of the 1995 trophy wars was our then-chief clerk, now retired and happily married, who repaired the trophy and showed the good judgment to return it to its rightful owners. Thank you, Mouryne.

Let's look ahead now to this year's game. Contrary to the geriatric delusions of the Majority Leader, the other House does not have a prayer this year. One only has to look around this Chamber to see that our players are younger, stronger, more physically and mentally fit, and better looking, and for those reasons, we will prevail over our aged colleagues down the hall.

As you may remember—and as the Senate Majority Leader has likely by now forgotten, but mentioned in his inane remarks—some time ago, in what I consider a shameful lack of decorum, the senators stole our trophy and left in its place a dead chicken. This august body would certainly never stoop to such a low tactic. However, I do believe the senators may have arrived this morning to find a subtle reminder of what they will be after the game—dead ducks. Now, we would never stoop to their level and hang in their Chambers a rubber fowl. The dead duck presented to the senators today is fuzzy and purple and very hip—but he is still very dead. Very dead. Hanging by his neck from a bright orange scarf. And if this was not enough to give them the idea of what they are about to become, this definition was attached:

> Dead duck—a noun—A Nevada senator who is foolish enough to participate in a game of softball against the younger, more vigorous, infinitely more attractive, members of the Nevada Assembly.

Ladies and gentlemen, I hope they get the message. If they don't, I'm sure they will on June 16 when they are annihilated on the ball field. Good luck to all of you who are playing for all of us, and the rest of us will be rooting for you from the sidelines.

Quack.

Your Fair-Feathered Friend in the Real Legislative House.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

Our Chief Clerk reminds us today that love does seem to be in the air. Over the weekend, we had two marriage proposals: Becky Lawson, of the Sergeant-at-Arms office, and Brian Harris, and Becky's response to the proposal was "yes;" further, Bonnie Borda, our Journal Clerk, and Craig Hoffecker, of the Legal Division, and Bonnie's answer was "yes."

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Deacy, Joshua Borinaga, Erik Edwards, John Rowton and Elliott Edwards.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Deborah Cochran.

On request of Assemblywoman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Teri Brown.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to James Gentry, Mary Beth Gentry and Johnmin Hickey.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Dee Burdell and Don Carlson.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Kae Pohe, Liz Pohe and Bert Hansen.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Aja Fegert.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Luke Smith, Tim Blenkiron and Larry Easley.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, June 10, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:52 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-SECOND DAY

CARSON CITY (Tuesday), June 10, 1997

Assembly called to order at 11:32 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Williams, who was excused.

Prayer by the Chaplain, Al Fry.

Lord, make me an instrument of Thy peace. Where there is hatred, let us sow love; where there is despair, hope; where there is sadness, joy; where there is darkness, light. O Divine Master, grant that we may not so much seek to be consoled, as to console, not so much to be loved, as to love. For it is in giving that we receive; it is in pardoning that we are born again to eternal life. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 520, 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 361 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 468.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 366 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 361.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 9, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 430, 446.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 40, 41.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 177, 184, 346, 348, 404.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Porter, O'Connell and Schneider as a first Committee on Conference concerning Senate Bill No. 38.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 577—An Act relating to actions for malpractice; revising provisions governing such actions; revising provisions governing screening panels for medical or dental malpractice claims; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 578—An Act relating to insurance; authorizing the commissioner of insurance to assess a fee for returned checks; prohibiting the appropriation, diversion or conversion of the assets of an insurer for personal use; revising the schedule of fees and charges of the division of insurance of the department of business and industry; revising provisions governing contracts of reinsurance ceded to assuming insurers; prohibiting a manager for reinsurance from ceding certain retrocessions on behalf of a

reinsurer; requiring certain insurers to report information concerning their risk-based capital; revising eligibility requirements for certain insurance licenses; prohibiting an insurance licensee knowingly to permit certain persons to transact insurance in this state; providing an administrative penalty for transacting insurance without a license; providing civil immunity to the commissioner of insurance and other persons in certain circumstances; revising the eligibility requirements for surplus lines brokers; revising provisions governing the liquidation of an insurer; prohibiting the secretary of state from accepting articles of incorporation and amendments thereto of unauthorized insurers; making various other changes relating to the regulation of insurance; making technical changes; providing penalties; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 579—An Act relating to insurance; providing for the regulation of insurers transacting insurance in this state based on the risk-based capital of the insurers; requiring insurers to submit to the commissioner of insurance certain reports and plans concerning their risk-based capital; providing for the confidentiality of the information contained in such reports and plans; authorizing the commissioner to take certain corrective actions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 580—An Act relating to property rights; requiring the use of secret ballots and the reorganization of certain older unit-owners' associations for common-interest communities; prohibiting discrimination in common-interest communities; making various changes to provisions governing procedure for eminent domain; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 581—An Act relating to public utilities; prohibiting certain transactions relating to public utilities without the prior authorization

of the public service commission of Nevada; specifying the process by which the commission may authorize such transactions; specifying items that must be considered by the commission in determining whether to authorize the transfer of a certificate of public convenience and necessity; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 582—An Act relating to peace officers; requiring a law enforcement agency to remove from the personnel file of a peace officer certain information relating to unlawful punitive action used against the peace officer; providing a civil penalty for certain unlawful punitive action used against a peace officer; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 583—An Act relating to agricultural associations; revising provisions regarding the appointment of members of a district board of agriculture for an agricultural district; revising provisions regarding the use and taxable status of land owned or used by an agricultural association; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 584—An Act relating to traffic laws; providing for the suspension of the driver's license or permit of a person less than 21 years of age who drives with a certain percentage by weight of alcohol in his blood; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 585—An Act relating to taxation; clarifying the authority to appeal the property tax valuation of a leasehold interest, possessory interest, beneficial interest or beneficial use to the county and

state boards of equalization; authorizing certain local governments to reduce the estimated revenue from property taxes in preparing budgets under certain circumstances; limiting the use of revenue from property taxes that was excluded from the final budget of a local government; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 177.

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

Motion carried.

Senate Bill No. 184.

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

Motion carried.

Senate Bill No. 346.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 348.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 404.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 1:15 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 242.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 564.

Amend section 1, page 1, by deleting lines 4 through 6 and inserting: "200.380, 200.400, 200.460, 200.465, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, [subsection 3 of NRS] 200.5099 or paragraph (a) of subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin,".

Amend sec. 2, page 1, line 15, by deleting: "3, 4 and 5" and inserting: "3 and 4".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 15 as sections 3 through 14.

Amend sec. 4, page 2, by deleting lines 25 through 28 and inserting:

"Sec. 3. *A person who conspires with another to commit abuse, exploitation or isolation of an older person as prohibited by NRS 200.5099, shall be punished:*".

Amend sec. 7, page 3, line 5, by deleting: "*3, 4 and 5*" and inserting: "*3 and 4*".

Amend sec. 7, page 3, by deleting lines 18 and 19 and inserting:

"3. *"Isolation" means willfully, maliciously and intentionally preventing an older person from having contact with another person by:*

(a) Intentionally preventing the older person from receiving his visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or a person who telephones the older person that the older person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person and intended to prevent the older person from having contact with the visitor; or

(b) Physically restraining the older person to prevent the older person from meeting with a person who comes to visit the older person.

The term does not include an act intended to protect the property or physical or mental welfare of the older person or an act performed pursuant to the instructions of a physician of the older person.".

Amend sec. 8, page 3, line 39, by deleting "or".

Amend sec. 8, page 3, line 41, by deleting the period and inserting: "; or

(d) A toll-free telephone service designated by the aging services division of the department of human resources.".

Amend sec. 8, page 4, between lines 40 and 41 by inserting:

"(l) Any person who owns or is employed by a funeral home or mortuary.".

Amend sec. 8, page 5, between lines 17 and 18 by inserting:

"*7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.*".

Amend sec. 15, page 8, by deleting lines 31 and 32 and inserting: "the older person in violation of NRS 200.5095 to 200.5099, inclusive.".

Amend the bill as a whole by deleting sections 16 through 18, renumbering sections 19 and 20 as sections 16 and 17 and adding a new section designated sec. 15, following sec. 15, to read as follows:

"Sec. 15. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. [A person who knowingly and willfully violates any of the provisions of NRS 200.5093 is guilty of a misdemeanor.

2.] Except as otherwise provided in subsection 6, any person who abuses an older person, causing the older person to suffer unjustifiable physical pain or mental suffering, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

[3.] *2.* Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person and who:

(a) Neglects the older person, causing the older person to suffer physical pain or mental suffering;

(b) Permits or allows the older person to suffer unjustifiable physical pain or mental suffering; or

(c) Permits or allows the older person to be placed in a situation where the older person may suffer physical pain or mental suffering as the result of abuse or neglect,

is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

[4.] *3.* Except as otherwise provided in subsection [5,] *4,* any person who exploits an older person shall be punished, if the value of any money, assets and property obtained or used:

(a) Is less than $250, for a misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $2,000, or by both fine and imprisonment;

(b) Is at least $250, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years

and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

(c) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

[5.] *4.* If a person exploits an older person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $2,000, or by both fine and imprisonment.

5. Any person who isolates an older person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000.

6. A person who violates any provision of subsection [2,] *1,* if substantial bodily or mental harm or death results to the older person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection [3,] *2,* if substantial bodily or mental harm or death results to the older person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person if the person knows or has reason to know that the older person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person.".

Amend sec. 20, page 10, line 38, by deleting: "1, 3, 4, 8, 10, 16 and 18" and inserting: "1, 4, 7, 9 and 15".

Amend the bill as a whole by deleting sec. 21 and adding a new section designated sec. 18, following sec. 20, to read as follows:

"Sec. 18. Sections 1, 7 and 15 of this act become effective at 12:01 a.m. on October 1, 1997.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 289.

Bill read second time.

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

Amendment No. 507.

Amend section 1, page 2, by deleting lines 10 through 12 and inserting:

"2. The provisions of this act must not be construed to:

(a) Repeal an exemption from public disclosure currently granted by a state statute or regulation.

(b) Prohibit a law enforcement agency or an auditor employed by a governmental entity from inspecting records during the course of an authorized investigation or audit.

(c) Interfere with the normal course of discovery in a legal action or to designate as confidential any record before a court of this state that is not otherwise designated as confidential.".

Amend sec. 6, page 2, by deleting lines 29 and 30 and inserting:

"Sec. 6. *"Information system" means any communication network or computer hardware, computer software, procedures, personnel or data used to*".

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

"Sec. 7. (Deleted by amendment.)".

Amend sec. 9, page 3, line 6, by deleting "*contact* " and inserting "*crime*".

Amend sec. 9, page 3, line 10, by deleting "*victim;*" and inserting: "*victim, unless a specific statute requires that the name of the victim be kept confidential;*".

Amend sec. 9, page 3, line 14, by deleting "*estimate*" and inserting "*assessment* ".

Amend sec. 9, pages 3 and 4, by deleting lines 24 through 44 on page 3 and lines 1 through 3 on page 4, and inserting:

"*(d) A report pertaining to an accident involving a motor vehicle.*

(e) As used in this subsection:

(1) "Initial crime report" means a written or recorded report prepared by a peace officer that describes the elements of the crime as the elements occurred and which is prepared in response to:

(I) A complaint that alleges a violation of law; or

(II) The discovery of an incident or offense which constitutes an apparent violation of law.

(2) "Initial crime report" does not include a follow-up or investigative report that is prepared after the initial crime report.

3. "Public record" does not include:

(a) A temporary or preliminary draft, note or memorandum that is not retained by a governmental entity in the ordinary course of business, unless the governmental entity uses the draft, note or memorandum as the basis of a final decision.

(b) A record that is legally owned by an officer, employee or agent of a governmental entity in his private capacity.

(c) A record relating to an audit conducted by a governmental entity, except a final audit report.

(d) Proprietary computer software, including, without limitation, programs and systems that are developed by or for the use of a governmental entity.".

Amend sec. 9, page 4, by deleting line 18 and inserting: "*retained in the personnel file of an employee of a governmental entity.*".

Amend sec. 10, page 4, by deleting lines 19 through 35 and inserting:

"Sec. 10. *1. Except as otherwise provided in paragraph (f) of subsection 3 of section 9 of this act, the following information regarding each employee of a governmental entity must be made available for public inspection:*

(a) The name of the employee;

(b) The gross compensation and perquisites paid by the governmental entity to the employee, except any compensation that has been reimbursed by a private person or entity;

(c) The title of the position held by the employee;

(d) A description of the position held by the employee;

(e) The qualifications established by the governmental entity for the position held by the employee;

(f) The address and telephone number of the employee's place of employment, unless the place of employment is a fire station;

(g) The number of hours the employee is scheduled to work in each pay period or, if this information is not readily available, an indication of whether the employee works full time or part time;

(h) The date on which the employee began his employment with the governmental entity, unless that date is used as a security code for access to computerized records; and

(i) The date, if applicable, on which the employment of the employee was terminated.

2. A governmental entity may comply with the provisions of this section by providing the information set forth in subsection 1 upon request or by establishing and maintaining a roster that contains the information.".

Amend sec. 11, page 4, line 42, by deleting "*or memorandum*".

Amend sec. 11, page 5, by deleting lines 1 through 3 and inserting:

"*2. Each governmental entity shall create an index listing all electronic data bases that it compiles or creates. The governmental entity shall, upon request, make the index available to a person to inspect.*".

Amend sec. 12, page 5, by deleting lines 4 through 17 and inserting:

"Sec. 12. *1. Except as otherwise provided in NRS 440.650 and 481.063, an officer, employee or agent of a governmental entity who has custody of a public record may question a person who requests to inspect, copy or prepare an abstract from the public record only to the extent necessary to clarify the request or determine the appropriate fees.*

2. A person may request a copy of a public record in any medium in".

Amend sec. 13, page 5, by deleting lines 25 and 26 and inserting:

"*(a) Deny a person the right to inspect, copy or prepare an abstract from a public record; or*".

Amend sec. 13, page 5, by deleting lines 30 and 31 and inserting:

"*2. If a person requests to inspect, copy or prepare an abstract from a public record that contains information which must not* ".

Amend sec. 13, page 5, by deleting lines 35 and 36 and inserting: "*who requested the public record to inspect, copy or prepare an abstract of the information that must be made available. An officer,*".

Amend sec. 13, page 5, line 40, by deleting "*or memorandum*".

Amend sec. 13, page 5, line 42, by deleting "*or memorandum*".

Amend sec. 13, page 6, line 8, after "*personnel.*" by inserting: "*The governmental entity shall not charge such a fee if the governmental entity is not required to make extraordinary use of its personnel or technological resources to fulfill additional requests for the same information.*".

Amend sec. 15, page 6, by deleting lines 23 through 26 and inserting: "may be fully copied , or an abstract [or memorandum] may be prepared from those [public books and] public records. Any such copies [, abstracts or memoranda] *or abstracts* may be used to supply the general public with copies [, abstracts or memoranda] *or abstracts* of the records or may be used in any other way to the".

Amend sec. 15, page 6, line 36, by deleting "*or memorandum*".

Amend sec. 15, page 6, by deleting lines 42 and 43 and inserting:

"*(3) As a condition of participation in a state or federal program;*

(4) As a condition of receiving state or federal money; or

(5) Pursuant to the provisions of a contract.".

Amend sec. 15, page 7, by deleting lines 5 through 10 and inserting:

"*(c) Disclosure would jeopardize:*

(1) The physical security of a correctional facility, detention facility, juvenile facility or other governmental facility or property;

(2) The safety of employees of the governmental entity; or

(3) A current or future plan or tactical operation of a law enforcement agency.

(d) It would reveal information compiled by a governmental entity to prevent or prosecute violations of the law, including, without limitation, information derived from witnesses, laboratory tests, surveillance, investigators, confidential informants, photographs and measurements. This paragraph prohibits the disclosure of that information only if:

(1) The release of the information would:

(I) Interfere with the ability to prosecute a defendant or the right of a defendant to receive a fair trial;

(II) Jeopardize an investigation that has not been closed; or

(III) Discourage the reporting of illegal governmental action or discourage cooperation in a related investigation regarding the action of a governmental entity or an employee of the governmental entity.

(2) The information concerns an investigation of an employee of the governmental entity.".

Amend sec. 15, page 7, by deleting lines 17 through 21 and inserting:

"*(f) It is a record:*

(1) Prepared by or on behalf of a governmental entity in connection with existing or anticipated litigation that is not available under the rules of discovery;

(2) Disclosing an attorney's work product, including, without limitation, mental impressions or legal theories of an attorney or other representatives of a governmental entity concerning litigation;

(3) Concerning the strategy of a governmental entity relating to collective bargaining or pending litigation;

(4) Revealing the contents of settlement negotiations before the settlement is final;

(5) Revealing communication between a governmental entity and an attorney representing, retained or employed by the governmental entity, if the communication is privileged; or

(6) Revealing communication between or among attorneys or their support staff regarding their representation of a governmental entity, if the communication is privileged.".

Amend sec. 15, page 8, line 11, by deleting the period and inserting: "*or a person participating in a program for the protection of witnesses.*".

Amend sec. 15, page 8, between lines 14 and 15, by inserting:

"*(o) It contains trade secrets or other confidential or proprietary information of a governmental entity, the disclosure of which would cause commercial or financial injury to the governmental entity or would interfere*

with a commercial or financial transaction planned by the governmental entity.

(p) Except as otherwise provided in NRS 378.290, it is correspondence sent or received by the governor or employees of his office in the performance of governmental duties.".

Amend sec. 16, page 8, line 27, by deleting "*or memorandum*".

Amend sec. 16, page 8, line 30, by deleting "*or memorandum*".

Amend sec. 19, page 9, by deleting lines 10 through 12 and inserting: "copies [certified to be correct to any] *to a* person who requests them and pays or tenders such fees as may be prescribed for the service of copying and [certifying.] , *if requested, shall certify the authenticity of the public records.*".

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

"Sec. 20. NRS 378.290 is hereby amended to read as follows:

378.290 1. The records of the governor's office, which include correspondence sent or received by the governor or employees of his office in the performance of governmental duties, are the property of the State of Nevada and must be transferred to the division before the governor leaves office.

2. [The] *Except as otherwise provided in subsection 3, the* division shall make the records of a former governor available for inspection, except:

(a) If that correspondence identifies or can be readily associated with the identity of any person other than a public officer or employee acting in his official capacity and has been in the possession of the division for less than 10 years, the name and facts which identify that person must be deleted before the correspondence is disclosed, unless the person so named or identified is deceased or gives his prior written permission for the disclosure.

(b) Any records that have been declared by law to be confidential are not subject to the provisions of this subsection during the period of confidentiality specified in NRS 378.300.

(c) Any agreement between a former governor and the division made before the passage of this act which provides for a period of confidentiality is unaffected by the provisions of this section.

(d) Records of the governor's office which are transferred to the division during the governor's term of office remain in the custody of the governor and are not subject to the provisions of this subsection until after he leaves office.

3. The division shall not make available correspondence sent or received by the governor or employees of his office in the performance of governmental duties until 2 years after the date on which the governor has left office.".

Amend the bill as a whole by deleting sec. 21.

Amend the preamble of the bill, page 1, line 6, after "people, and" by inserting: "the right to be informed regarding the receipt, recordation, management and use of ".

Amend the preamble of the bill, page 1, line 9, by deleting "government;" and inserting: "government, although that entitlement does not authorize every person to have access to every record that the government may obtain or to which the government has access;".

Amend the preamble of the bill, page 1, line 12, by deleting "government;" and inserting: "government, while simultaneously protecting other interests of the general public, including, without limitation, the protection of personal and other private interests;".

Amend the title of the bill by deleting the third and fourth lines and inserting: "therefrom in certain circumstances; requiring a governmental entity to make available certain information pertaining to its employees; requiring a governmental".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, Evans, Anderson, de Braga, Hettrick, Amodei and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 326.

Amend sec. 2, page 1, by deleting lines 6 through 11 and inserting:

"*1. Incorporates a storage capability of telephone numbers to be called and a random or sequential number generator capable of producing telephone numbers to be called; and*

2. Is used exclusively, working alone or in conjunction with other equipment, to disseminate a prerecorded message to the telephone number called to solicit a person at the telephone number called to purchase goods or services.".

Amend sec. 4, page 2, by deleting lines 23 through 26 and inserting: "*written application to and receiving written authorization from the office of the advocate for customers of public utilities within the office of the attorney general.*".

Amend sec. 4, page 2, line 36, by deleting: "*provider of telecommunication services*" and inserting: "*advocate for customers of public utilities*".

Amend sec. 4, page 2, line 40, by deleting: "*provider of telecommunication services*" and inserting: "*advocate for customers of public utilities*".

Amend sec. 4, pages 2 and 3, by deleting line 44 on page 2 and lines 1 through 10 on page 3 and inserting: "*application, he determines that the proposed use of the device for automatic dialing and announcing would:*

(1) Overload telephone lines; or

(2) Otherwise detrimentally affect the provision of telecommunication services.".

Amend sec. 6, page 3, by deleting lines 26 through 41 and inserting: "telephone call unless, before the message is disseminated, a recorded or unrecorded natural voice:

(a) Informs the person who answers the telephone call of the nature of the call, including the fact that a device for automatic dialing and announcing will be used to disseminate the message if the person who answers the call remains on the line; and

(b) Provides to the person who answers the telephone call the name, address and telephone number of the business or organization, if any, being represented by the caller.

2. *A person shall not operate a device for automatic dialing and announcing to place:*

(a) A call that is received by a telephone located in this state during the period between 9 p.m. and 9 a.m.; or

(b) A call-back or second call to the same telephone, if the person who answered the telephone terminated the original call.".

Amend sec. 6, page 4, line 2, after "*device*" by inserting: "*or another person affiliated with the person using the device*".

Amend sec. 7, page 4, by deleting lines 8 through 16 and inserting: "*message by telephone unless a recorded or unrecorded natural voice:*

1. Informs the person who answers the telephone call of the nature of the call; and

2. Provides to the person who answers the telephone call the name, address and telephone number of the business or organization, if any, represented by the caller.".

Amend sec. 8, page 4, by deleting line 18 and inserting:

"598.0903 As used in NRS 598.0903 to 598.0999, inclusive, [and] section 1 of [this act,] *Senate Bill No. 90 of this session and section*".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Assemblyman Perkins moved that Assembly Bill No. 321 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 349.

Bill read second time.

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

Amendment No. 321.

Amend sec. 2, pages 1 and 2, by deleting lines 12 through 17 on page 1 and lines 1 through 7 on page 2 and inserting: "*If a vacancy occurs on the governing body of a city, the governing body may, in lieu of appointment, declare by resolution a special election to fill the vacancy.*".

Amend the title of the bill by deleting the first line and inserting: "An Act relating to cities; authorizing a special election to fill vacancies on the governing".

Amend the summary of the bill to read as follows: "Summary—Authorizes special election to fill vacancies on governing body of city. (BDR 21-1154)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Anderson.

Assemblyman Anderson moved that Assembly Bill No. 349 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 579.

Amend sec. 3, page 1, by deleting lines 6 through 9 and inserting:

"Sec. 3. *"Representative of value" means any instrumentality used by a patron in a game whether or not the instrumentality may be redeemed for cash.*".

Amend sec. 4, page 1, by deleting lines 10 through 14 and inserting:

"Sec. 4. *"Wager" means a sum of money or representative of value that is risked on an occurrence for which the outcome is uncertain.*".

Amend sec. 7, page 2, line 24, by deleting "*by*" and inserting "*on*".

Amend sec. 7, page 2, by deleting lines 25 and 26 and inserting: "*computer that maintains a record of each transaction involving the wagering instrument and is operated and maintained by a licensee.*".

Amend sec. 9, page 4, line 11, after "*patron*" by inserting: "*and subsequently won by the licensee,*".

Amend the bill as a whole by renumbering sections 13 through 20 as sections 14 through 21 and adding a new section designated sec. 13, following sec. 12, to read as follows:

"Sec. 13. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, slot machine, race book or sports pool;

(b) To provide or maintain any information service the primary purpose of which is to aid the placing or making of wagers on events of any kind; or

(c) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, race book or sports pool,

without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by him, in whole or in part, by a person who is not licensed pursuant to this chapter, or his employee.

4. The commission may, by regulation, authorize a person to own or lease [slot machines] *gaming devices* for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.".

Amend sec. 15, page 8, by deleting line 10 and inserting: "*action or omission on which the determination is based occurred.*".

Amend sec. 20, page 12, line 17, by deleting "*1 year*" and inserting "*5 years*".

Amend sec. 20, page 12, line 24, by deleting "*1 year*" and inserting "*5 years*".

Amend sec. 20, page 12, by deleting lines 25 through 27 and inserting: "*after the date of deregistration. The money of the publicly traded corporation for which a refund is not requested within 5 years after the date*

of deregistration is presumed abandoned and is subject to the provisions of chapter 120A of NRS.".

Amend the bill as a whole by deleting sec. 21 and adding new sections designated sections 22 through 24, following sec. 20, to read as follows:

"Sec. 22. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to 5, inclusive, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device or cashless wagering system for use or play in Nevada or for distribution outside of Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section or NRS 463.660.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the board, dispose of by sale in a manner approved by the board, any or all of its gaming devices, including slot machines, and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The commission may, by regulation, authorize a person who owns [slot machines] *gaming devices* for home use in accordance with NRS 463.160 to sell such devices without procuring a license therefor.

5. Upon approval by the board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the commission on postsecondary education,

may be disposed of by sale, in a manner approved by the board, without a distributor's license. An application for approval must be submitted to the board in the manner prescribed by the chairman.

6. Any person whom the commission determines is a suitable person to receive a license under the provisions of this section and NRS 463.660 may

be issued a manufacturer's or distributor's license. The burden of proving his qualification to receive or hold a license under this section and NRS 463.660 is at all times on the applicant or licensee.

7. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the commission.

8. The commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the commission determines that the exemption is consistent with the purposes of this chapter.

9. As used in this section, "holding company" has the meaning ascribed to it in NRS 463.485.

Sec. 23. NRS 464.005 is hereby amended to read as follows:

464.005 As used in this chapter, unless the context otherwise requires:

1. *"Gross revenue" means the amount of the commission received by a licensee that is deducted from off-track pari-mutuel wagering, plus breakage and the face amount of unpaid winning tickets that remain unpaid for a period specified by the Nevada gaming commission.*

2. "Off-track pari-mutuel system" means a computerized system, or component of such a system, that is used with regard to a pari-mutuel pool to transmit information such as amounts wagered, odds and payoffs on races.

[2.] *3.* "Off-track pari-mutuel wagering" means any pari-mutuel system of wagering approved by the Nevada gaming commission for the acceptance of wagers on:

(a) Races which take place outside of this state; or

(b) Sporting events.

[3.] *4.* "Operator of a system" means a person engaged in providing an off-track pari-mutuel system.

[4.] *5.* "Pari-mutuel system of wagering" means any system whereby wagers with respect to the outcome of a race or sporting event are placed in a wagering pool conducted by a person licensed or otherwise permitted to do so under state law, and in which the participants are wagering with each other and not against that person. The term includes off-track pari-mutuel wagering.

Sec. 24. NRS 464.045 is hereby amended to read as follows:

464.045 1. The provisions of subsections 3 and 5 of NRS 464.040 do not apply to persons licensed to conduct off-track pari-mutuel wagering.

2. A licensed gaming establishment [which has been approved to conduct off-track pari-mutuel wagering shall include within gross revenue,

for the purpose of determining the amount of] *is subject to* the *monthly* state license [fee imposed by] *fees and provisions of* NRS 463.370 [, the amount of the commission deducted from] *on all gross revenue attributable to the operation of an* off-track pari-mutuel [wagering received by it, plus breakage and the face amount of unpaid winning tickets that remain unclaimed for a period specified by the commission.] *system.*

3. In calculating the monthly state license fee imposed by NRS 463.370, a licensee shall not deduct from gross revenue any promotional allowances, including, without limitation, prizes, payments, premiums, drawings, discounts, rebates, bonus payouts, benefits or tickets that are redeemable for money or merchandise.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Evans.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 419 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 526.

Amend section 1, page 1, by deleting lines 7 and 8 and inserting:

"*2. The term does not include a person who is employed by this state or under contract with this state to provide, or assist in the provision of, personal care of other persons if he does not primarily perform acts*".

Amend the title of the bill, first line, by deleting: "personal care assistants" and inserting "persons".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblymen Perkins and Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 355.

Bill read third time.

The following amendment was proposed by Assemblyman Sandoval:

Amendment No. 603.

Amend sec. 10, page 4, line 37, by deleting "an actual" and inserting "a significant".

Amend sec. 12, page 5, by deleting line 14 and inserting:

"(a) A regulatory agency requests the admission of the results of an environmental audit at an administrative proceeding or civil action commenced by the".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 468 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 361.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 582.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"*1. Except as otherwise provided in subsection 2, only a public agency may exercise the power of eminent domain pursuant to the provisions of this chapter.*

2. The power of eminent domain may be exercised by a person who is not a public agency pursuant to NRS 37.230 and subsections 6, 8, 10, 13 and 16 of NRS 37.010.".

Amend section 1, page 1, line 5, by deleting "*2.*" and inserting "*3.*".

Amend the title of the bill, first and second lines, by deleting: "for byroads to" and inserting: "by persons who are not".

Amend the summary of the bill, first line, by deleting: "for byroads to" and inserting: "by persons who are not".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 366.

Bill read third time.

The following amendment was proposed by Assemblymen Bache, Braunlin, Buckley, Dini and Ernaut:

Amendment No. 590.

Amend sec. 18, page 7, between lines 32 and 33 by inserting:

"5. *Except as otherwise provided in this subsection and subsection 6, the rate charged for residential service provided pursuant to subsection 1 must not exceed the rate charged for that service on July 1, 1997. The limitation set forth in this subsection is effective until 2 years after the date upon which, in accordance with subsection 4 of section 12 of this act, the commission repeals the regulations which established the pricing method for that service and the terms and conditions for providing that service.*

6. The commission may, in accordance with NRS 704.110, 704.120 and 704.130, approve an increase in the rate charged for residential service provided pursuant to subsection 1 in an amount that does not exceed the increase necessitated, if any, to ensure the recovery by the electric utility of its just and reasonable costs. The provisions of this section do not limit or prohibit in any manner the operation of any order issued by the commission before July 1, 1997.".

Amend the bill as a whole by adding new sections designated sections 23.3 and 23.6, following sec. 23, to read as follows:

"Sec. 23.3. NRS 354.59883 is hereby amended to read as follows:

354.59883 A city or county shall not adopt an ordinance imposing or increasing a fee:

1. If that ordinance would alter the terms of any existing franchise agreement between the city or county and a public utility.

2. That applies to any public utility which does not derive revenue from customers located within the jurisdiction of the city or county.

3. If, after the adoption of the ordinance:

(a) Any part of a fee to which the ordinance applies will be based upon any revenue of a public utility other than its revenue from customers located within the jurisdiction of the city or county.

(b) The total *cumulative* amount of all fees the city or county imposes upon a public utility to which the ordinance applies will exceed:

(1) Except as otherwise provided in subparagraph (2), 5 percent of the utility's gross revenue from customers located within the jurisdiction of the city or county.

(2) For a public utility that provides a commercial mobile radio service, 5 percent of its gross revenue from the first $15 charged monthly for each line of access for each of its customers located within the jurisdiction of the city or county. For the purposes of this subparagraph, "commercial mobile radio service" has the meaning ascribed to it in Part 20 of Title 47 of the Code of Federal Regulations.

Sec. 23.6. NRS 354.59889 is hereby amended to read as follows:

354.59889 [Except as otherwise provided by agreement with all the affected public utilities:]

1. A city or county shall not change any of its fees except through the adoption of an ordinance which provides that the change does not become effective until at least 60 days after the effective date of the ordinance.

2. The cumulative amount of any increases in fees imposed by a city or county during any period of 24 months must not exceed 1 percent of the gross revenue of any public utility to which the increase applies from customers located within the jurisdiction of that city or county.".

Amend the title of the bill, second line, after "services;" by inserting: "prohibiting an increase in the rate charged for residential service under certain circumstances; establishing a cumulative limit on certain fees that may be charged by local governments;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblymen Buckley and Ernaut.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 100, 133, 215, 243, 292, 463; Assembly Joint Resolution No. 16; Assembly Concurrent Resolution No. 39; Senate Bills Nos. 23, 70, 71, 118, 175, 198, 212, 216, 223, 240, 336.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Yvonne Furlong.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Robyn Warsinske and Jack Mc Nally.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Coe Swobe.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, June 11, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 2 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-THIRD DAY

CARSON CITY (Wednesday), June 11, 1997

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Al Fry.

There is a church in the middle of London that has a unique title. It is located in the midst of all the inner city noise. It is called an Isle of Silence in a Sea of Noise. We preachers and politicians need to learn the value of moments of silence. We need to learn how to be quiet. Moments of quietness help us to know and experience our value, worth, dignity and spirituality. We lead very hectic lives and sometimes the noise of life overwhelms us. We need moments to withdraw and be still. To assist us in this process, let us enjoy a minute of quietness. Center in on your own self-worth. Feel your own power and strength. Make contact with your spirituality and the presence of your Creator. May one minute of silence help you to experience your Isle of Silence in a Sea of Noise. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 517, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 528, 556; Senate Bill No. 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 137, 550; Senate Bills Nos. 338, 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Hettrick:

Assembly Concurrent Resolution No. 42—Commending Wayne Moore for his heroic effort to save the life of Robert Bugajski.

WHEREAS, Wayne Moore moved to the State of Nevada in the fall of 1982 and began teaching automotive technology at Douglas High School; and

WHEREAS, Wayne Moore, along with his wife, Kimberly, and their three children, Nathan, Kristin and Benjamin, have made Carson City their home for the past 15 years; and

WHEREAS, In 1986, Wayne Moore was presented with the award for "Excellence in Secondary Vocational Automotive Education" by the Motor Vehicle Manufacturers Association and the American Vocational Association; and

WHEREAS, This dedicated teacher has taught pupils from the China Spring Youth Camp after his regular day of teaching at Douglas High School and has also been a part-time instructor at the Western Nevada Community College since 1988; and

WHEREAS, In 1991, Wayne Moore was recognized for his excellence as an instructor at Western Nevada Community College when he was named the "Part-Time Instructor of the Year"; and

WHEREAS, Since 1984, the pupils at Douglas High School who have enrolled in Wayne Moore's class in automotive technology have competed in the Ford/AAA Student Auto Skills Competition every year except one, an honor that requires participants to be in one of the top 10 designated classes in automotive technology in the State of Nevada; and

WHEREAS, This year Wayne Moore was named the 1997 Douglas High School's "Teacher of the Year"; and

WHEREAS, On May 21, 1997, Wayne Moore unselfishly risked his life to rescue 17-year-old Carson City High School student, Robert Bugajski, from a flaming truck that was involved in a collision in Carson City; and

WHEREAS, This act of bravery further demonstrates what a remarkable, brave and unselfish man Wayne Moore is, as he continues to serve as not only a role model for his students at Douglas High School and Western Nevada Community College, but as an inspiration to all residents of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th Session of the Nevada Legislature do hereby commend Wayne Moore for his heroic effort to save the life of Robert Bugajski, who sadly passed away on May 29; and be it further

RESOLVED, That Wayne Moore is further commended for his dedication to the youth of Northern Nevada and for his continued efforts to excel in his chosen profession; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Wayne Moore.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Gustavson, Cegavske and Perkins.

Assemblyman Hettrick requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. It is truly a privilege for me to rise in support of ACR 42. As you can see from this resolution, Wayne Moore would be an exceptional human being just on the basis of his accomplishments as a teacher and his efforts within his community. He is a role model for all of the young people, and I have to say, adults as well, in Douglas County and the State of Nevada.

I put copies of an article on your desks, and I'd encourage you to take a look at that. Quite frankly, Mr. Speaker, if I tried to describe all this, I couldn't do it. Wayne Moore's actions are just incredible.

We often recognize people who do wonderful things but don't put their lives at risk at the spur of the moment for someone they don't know, and I just thought it was well worth our time and effort today, Mr. Speaker, to recognize Wayne Moore. It is a privilege for me to rise and recognize a man I consider to be a hero.

ASSEMBLYMAN GUSTAVSON:

Thank you, Mr. Speaker. I also rise in support of this resolution. I have known the Moore family for many years, and his actions did not surprise me. He is always more than willing to help anyone without any compensation. In fact, years ago, he helped me rebuild the motor in my pickup truck.

Thank you for bringing this resolution to us, Mr. Hettrick.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I also rise in support of ACR 42. As the mother of two teenage boys, I want to thank Mr. Moore for what you did that day. It's nice to know that there are people out there who will help our children if they're in need, and I urge your support also. Thank you, Mr. Speaker.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I, too, rise in support of ACR 42. In the law enforcement industry, you see a lot of devastation in people's lives. A lot of things occur where people do take action, like Mr. Moore has. If not for citizens of this caliber, our society would be one that would be unlivable. It is truly an honor to have somebody of this caliber in our Chambers today, and I think that our entire state owes him a debt of gratitude. Without persons like Mr. Moore, we literally would not have the ability to have the quality of life that we have in our state. Thank you, Mr. Speaker.

Resolution adopted.

Assemblyman Hettrick moved that all rules be suspended and that Assembly Concurrent Resolution No. 42 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Williams moved that Assembly Bill No. 468 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 586—An Act making an appropriation to the Women in Military Service for America Memorial Foundation, Inc., for the support of the construction of the memorial in Arlington National Cemetery; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 587—An Act making a supplemental appropriation to the Nevada Athletic Commission for unexpected operating expenses and salaries; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 588—An Act relating to local governments; limiting the circumstances under which a local government may provide certain public services; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 589—An Act relating to motor vehicles; providing for the issuance of special license plates indicating employment as a professional firefighter; imposing a fee for the issuance or renewal of such license plates; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 590—An Act relating to motor vehicles; providing for the issuance of special license plates indicating support for the Juvenile Diabetes Foundation International and the Sickle Cell Disease Association of America; imposing a fee for the issuance or renewal of the license plates; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 591—An Act relating to drivers' licenses; providing for a special endorsement on a driver's license that designates the use of the license as being critical to a person's employment; imposing a fee for such an endorsement; prohibiting the revocation or suspension of such a license under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Williams, Herrera, Krenzer, Arberry, de Braga, Neighbors, Ohrenschall, Goldwater, Giunchigliani, Anderson, Bache, Freeman, Lambert, Parks, Braunlin, Koivisto, Lee, Cegavske, Sandoval, Mortenson, Collins, Chowning, Ernaut, Perkins, Buckley, Manendo, Price and Segerblom:

Assembly Bill No. 592—An Act making an appropriation to Nevada Partners for the costs associated with the expansion of the job training program to counties in addition to Clark County; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Williams, de Braga and Berman:

Assembly Bill No. 593—An Act relating to health care; creating an advisory committee for the breast and cervical cancer control and prevention program of the health division of the department of human resources; making appropriations; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 451.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 531.

Amend section 1, page 2, line 27, after "*which*" by inserting: ", *in accordance with chapter 386 of NRS,*".

Amend sec. 2, page 2, by deleting lines 33 through 35 and inserting:

"482.270 1. Except as otherwise provided [in NRS 482.3747, 482.3775, 482.379 to 482.3794, inclusive, section 1 of Senate Bill No. 9 of this session and section 1 of this act, or NRS 482.384,] *by specific statute,* the director shall order the preparation".

Amend sec. 3, page 3, by deleting lines 27 and 28 and inserting: "issued pursuant to NRS 482.3667 to 482.3823, inclusive, [and] section 1 of [this act.] *Assembly Bill No. 32 of this session and section 1 of this act.* The director shall ensure that:".

Amend sec. 4, page 4, by deleting line 16 and inserting: "[and] section 1 of [this act,] *Assembly Bill No. 32 of this session and section 1 of this act,* a fee of $10.".

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. 1. Sections 3 and 4 of this act become effective at 12:01 a.m. on October 1, 1997.

2. Section 2 of this act becomes effective at 12:02 a.m. on October 1, 1997.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 508.

Bill read second time and ordered to third reading.

Assembly Bill No. 520.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 570.

Amend section 1, page 1, line 6, by deleting "*delivery,*".

Amend section 1, page 1, line 9, by deleting "*delivery,*".

Amend sec. 2, page 2, line 20, by deleting "*delivery,*".

Amend sec. 2, page 2, line 23, by deleting "*delivery,*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price and Close.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 536.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 591.

Amend section 1, page 1, line 17, after "2." by inserting: "*A person claiming the exemption provided for in paragraph (j) of subsection 1 shall, on or before June 15 for the next ensuing fiscal year, file with the county assessor an affidavit declaring that the fine art:*

(a) Was purchased in an arm's length transaction for $25,000 or more, or has an appraised value of $25,000 or more; and

(b) Will be on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of the year for which the exemption is claimed.

3.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price and Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 538.

Bill read second time and ordered to third reading.

Senate Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 596.

Amend sec. 4, page 3, line 4, after "*investigations.*" by inserting: "*If the child from whom the fingerprints are taken subsequently is not adjudicated delinquent, the parent or guardian of the child or, when the child becomes at*

least 18 years of age, the child, may petition the court for the removal of the fingerprints from any such local file or local system.".

Amend sec. 4, page 3, line 28, by deleting "The [photograph]" and inserting: "[The photograph] *Except as otherwise provided in this subsection, the*".

Amend sec. 4, page 3, line 32, after "*investigations.*" by inserting: "*If a court subsequently determines that the child is not delinquent, the court shall order the photographs to be destroyed.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblymen Chowning, Koivisto, Von Tobel, Carpenter, Williams and Herrera.

Conflict of interest declared by Assemblywoman Koivisto.

Potential conflict of interest declared by Assemblyman Herrera.

Roll call on Assembly Bill No. 468:

YEAS — 41.

NAYS — None.

Not voting — Koivisto.

Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Lucchesi, Virginia Hall, Eva Heap, Pauline Clough, Marian Blair, Ardine Brioady, Diane Gillespie, Helen Jacobson, and Carl Ann Johnson.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to William Miller.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jamela Morley.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Kay, Kimberly Kent, Sean Kay and Kyle Kemp.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Kristi Geiser and Kristopher Geiser.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Harold Johnson.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Eunice Frost and Deloris Moore.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to J. D. Green.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ginny Stancill and Esther Triggs.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Clyde Caldwell.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Irvin and Manish Kumar.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, June 12, 1997 at 11 a.m., and that it do so in memory of Robert W. Parks.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-FOURTH DAY

CARSON CITY (Thursday), June 12, 1997

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Rabbi Myra Soifer.

From the Jewish tradition, a prayer for an assembly convened for the benefit of the community: Baruch ata Adonai Eloheiny melech HaOlam asher kideshany b'mitzovotaz v'tzivanu la-a-soke b'divrei tzibur. We praise You, Eternal God, Sovereign of the universe, who sanctifies us with divine commandments and commands us to attend to the needs of the community.

It is taught of our greatest prophet Moses that "Everyone who appeals for the needs of the community, it is as if he is endowed with a special force." May you, the members of our state Assembly, perform your duties with a true sense of reverence for the power that indeed is yours. May you weld that poser gently and for only the good. Guided by truths of divine and human greatness, may you indeed "Love your neighbor as yourself." "Love the stranger," and ever be led by the mandate "Justice, justice shalt thou pursue." May your lives and your labors make political reality of the spiritual truth that every citizen of this state and ever constituent of your districts is created in the image of God, is equally beloved by God, and is equally deserving of respect and caring from us: Baruch ata Adonai Eloheiny melech HaOlam asher kideshany b'mitzovotaz v'tzivanu la-a-soke b'divrei tzibur. Praised indeed is the One we call by many names, who commands us to attend to the needs of the community.

May the work of your hands and your hearts be both blessed and a blessing. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 369, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which were referred Senate Bills Nos. 6, 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 358, 359, 407, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 247, 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 470, 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 523, 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 47, 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 11, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 155, 417, 421.

Also, I have the honor to inform your honorable body that the Senate on this day amended, and passed, as amended, Assembly Bills Nos. 174, 274, 336 and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 42.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 102, 277; Senate Joint Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 366.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 266, 312, 341.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bill No. 128; Senate Joint Resolution No. 14.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 12, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 49.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Evans moved that Assembly Concurrent Resolution No. 36 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 13—Recognizing the work and contributions of Harold Bradford, whose art work has been exhibited in the Legislative Building.

WHEREAS, The members of the Nevada Legislature are especially appreciative to have had the opportunity to enjoy the art work created by Harold Bradford that has been on display in the Legislative Building during this legislative session; and

WHEREAS, Harold Bradford was born and raised in New Orleans, Louisiana, but has called the State of Nevada his home for over 20 years; and

WHEREAS, The paintings created by Harold Bradford that have been on display in the Legislative Building feature the Buffalo Soldier and depict the contributions that African-Americans made to the early West; and

WHEREAS, Harold Bradford's goal is to educate his fellow man through his art work by documenting the culture and history of African-Americans in the early West; and

WHEREAS, For this past year, Harold Bradford has been part of the adjunct faculty for the Clark County Community College, where he instructs students in advanced illustration; and

WHEREAS, Harold Bradford has participated in many solo and group exhibitions from exhibits at the Stella Vones Gallery in New Orleans, Louisiana, to the Left Center Art Gallery and Studio in Las Vegas, where he currently has an exhibit of his paintings; and

WHEREAS, Art is a universal medium through which the culture of a nation may be expressed while enriching the lives of those who observe it, and Harold Bradford's works of art exemplify these qualities and foster the excellence and vitality of the fine arts; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the 69th session of the Nevada Legislature do hereby express their sincere gratitude and appreciation to Harold Bradford for his generosity in loaning his beautiful works of art for display in the Legislative Building during this legislative session; and be it further

RESOLVED, That the Nevada Legislature has enjoyed viewing Harold Bradford's unique art work and wishes Mr. Bradford continued success in the fine arts; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Harold Bradford.

Assemblyman Lee moved the adoption of the resolution.

Remarks by Assemblymen Lee and Williams.

Assemblyman Lee requested that the following remarks be entered in the Journal.

ASSEMBLYMAN LEE:

Thank you, Mr. Speaker. Mr. Harold Bradford has lived in Las Vegas for 20 years. He was born and raised in New Orleans. He's found a home in Las Vegas, and he has spent many, many years in the art industry. He works for Young Electric Sign Company. His art has been displayed all over southern Nevada. His paintings are a tribute to history. You'll see today that there is a display of what he's done. I was very taken. He lives in my district, and I had to have this gentleman come down to be recognized for this beautiful art.

In most cases when you look at art, you can't really figure out what it is saying, but in Mr. Bradford's case, you become a part of the art as you view it.

Mr. Speaker, thank you very much for honoring Mr. Bradford today.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution 13. Mr. Bradford and I both came from the same state and moved to Las Vegas at the same time, so we've known each other for some time.

The work that we've seen in our legislative halls depicts some of the contributions, exploits and deeds of African-Americans throughout the West. It is just a small indication of the wide variety of work Mr. Bradford has done throughout his life on many subjects and in many areas. I've told him how much I've appreciated some of his work and tried to hint that maybe he could donate or give one of his paintings to me, but it's been 20 years now, and I still haven't gotten one. But I'll keep trying.

I think we should take advantage of every available opportunity to recognize and acknowledge the work of Nevadans who contribute to the betterment of our state. This is a worthwhile resolution, and I urge my colleagues to adopt it. Thank you.

ASSEMBLYMAN LEE:

I am indeed grateful to have Mr. Bradford here with me today. We share a lot—we're both tall, sensitive, Renaissance men, and we've bonded quite well together. He is quite a big athlete and played football at Washington State. Mr. Bradford has just returned from Portland, where he took part in graduation ceremonies.

I'd like to present this resolution to Mr. Bradford and thank him for putting together, in his rough world, something of the beauty that makes us stop for a minute, smile, and realize that the world is still a pretty place to be. Thank you, Mr. Speaker.

Resolution adopted.

Assembly Concurrent Resolution No. 36.

Assemblywoman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans and Freeman.

Resolution adopted.

Assemblywoman Evans moved that all rules be suspended and that Assembly Concurrent Resolution No. 36 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 49.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Ernaut, Humke, Dini and Segerblom.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. This resolution speaks softly of a man of great wit and power whose eloquent writings have thrown a long shadow over the lives of many people.

Well over 40 years ago, my brother was a string writer for the Nevada State Journal, a morning newspaper in our area for which Mr. Cobb was the sports editor. As a young man, I sometimes accompanied my brother when he covered news stories, and that is how I first met Mr. Cobb. I again met Ty Cobb as a young freshman at the University, when I pledged to the same fraternity of which his son, Ty Cobb, Jr., was the president, or eminent commander.

My association with Mr. Cobb over the last 35 years revealed to me a person who cared not only for the athletes of our community, but for all mankind, regardless of their station in life. His commonality of touch clearly shows through his writing; it is the essence of Ty Cobb that reaches and touches all our hearts.

In this resolution, we do well to honor such a man.

Mr. Cobb's father served in this body in the 1930s and subsequently served in the Senate. The Cobb family has left a lasting mark upon the history of this state, and Ty Cobb's two sons and daughter are continuing to carry on that tradition. Tyrus, Jr. was for many years a part of the national administration in terms of security work and is a recognized expert in Russian and Soviet Union relations; he is currently involved in environmental work in Yosemite and the Sierra Crest. Bill Cobb is equally impressive in his legal work.

We do well to honor a man such as Ty Cobb, and this resolution goes only a short way to express my feelings about a man who is such an important part our history.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I feel very flattered and fortunate that I had the chance to know Ty Cobb and to interact with him in many different areas. He was truly a philanthropic man who cared very deeply about his community. As the chairman of the Committee on Judiciary stated, we had a common bond, and that was at the Sigma Nu fraternity house located at the University of Nevada. The Sigma Nu fraternity had a long-standing tradition called the Crumley dinner. Many of you may know the name Crumley from Newt Crumley. It was a tradition that the Crumley family would cook turkeys and bring them to the fraternity house so all the kids who couldn't go home for Thanksgiving would still have Thanksgiving dinner. As the years waned on, there were times when that tradition was beginning to be lost, and it was men like Ty Cobb who saved it, made it whole again, and became a standard fixture for all us young guys who would come each year around December and honor our fraternity and the Crumley family. It was that clash of generations that made it such a neat event.

As I said, Ty Cobb was very much a community leader. He was involved in many different things. He touched my life in a lot of ways. I was able to benefit from a lot of his hard work, from Golden Gloves boxing as a young man, boxing at the University of Nevada in the national tournament that he had created, and playing Babe Ruth in my teens. All of those things were products of Ty's hard work.

As a leader, he certainly used his column at times to chastise the community leaders and talk about things that should be done. The other day I was driving up Skyline Boulevard at the intersection of McCarran and Skyline, which, as my colleague from District 25 knows very well, is probably the most dangerous intersection in Reno. The intersection abuts both of our districts. To the day that he passed, Ty railed on this community to provide a light there before someone was killed. I had to make a stop and give a smile because I looked up and saw workers taking the wrappers off this new traffic light that Ty was instrumental in providing for this community.

Ty was a great man, and I know I speak for many of the people in this Chamber and in the community of Reno when I say that he will be greatly missed.

ASSEMBLYMAN HUMKE:

I rise to support SCR 49. My knowledge of Mr. Cobb was through his writing. I did not know him personally, but I would like to say a few words about how his column moved me. He did a neat thing—he listed unusual personalized license plates that he saw around town and that citizens would forward to him. I think he even had a source inside DMV that he would contact to find out the true meaning. You know, those license plates drive you crazy when you see six or seven letters and numbers and you can't tell exactly what they're trying to say. He would interpret those, and that was not a petty, but a worthwhile service for the Truckee Meadows area.

It was said of Mr. Cobb that as the Truckee Meadows grew, his column still retained the small-town flavor, and I thought that was a very important factor for persons such as myself who came to the Truckee Meadows later in life. I was able to gain the flavor of what small-town Reno was like. The editor of the Black Rock Press, which is about to publish a collection of Mr. Cobb's columns and other writings, said simply of him, "He was such a nice man." Life-long friend and fellow Reno Gazette-Journal columnist, Rollan Melton, said simply, "His last written words followed the pattern he had used as a Comstock high school boy. He wrote of people's achievements. This from the most noble achiever, Ty Cobb."

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With the permission of the House, I'd like to say a few words. I met Ty Cobb in 1946 when I was manager of the UNR basketball team. Ty Cobb and Jake Lawlor grew up together and then came off the hill and served in Reno. They were a team and were legends in the Comstock. Speaking on behalf of the people of the Comstock, and especially Virginia City, Ty's death is a great loss. We want to express our appreciation to the family for the fine things their dad did and extend our sympathy to the family.

ASSEMBLYWOMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise in support of SCR 49. My husband went to college with Ty Cobb and they were good friends. I felt honored to be mentioned by Ty several times in his column, which I'm sure a lot of you have been, sometimes humorously and sometimes not so humorously. He was certainly a great man.

Ty and my brother belonged to the same fraternity, Sigma Nu. My husband was an ATO, though. Thank you.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hettrick and Dini:

Assembly Bill No. 594—An Act relating to state lands; providing an expedited procedure for authorization by the state land registrar of certain work performed below the high water mark of navigable rivers; determining the types of such work that require a permit from the state land registrar; requiring notice to the state land registrar for other types of work; requiring the state environmental commission to adopt regulations to simplify and expedite the procedure for approval of certain permits; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 595—An Act relating to civil liability; revising the provisions governing civil liability of public and private employers for the intentional conduct of employees; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ernaut:

Assembly Bill No. 596—An Act relating to public schools; providing in skeleton form for the creation of a separate school district for Incline Village; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 597—An Act relating to education; creating a committee to assist school districts in the early identification and development of minority teacher candidates within the State of Nevada; making an appropriation to the Department of Education to assist in carrying out these goals; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 598—An Act relating to state employees; increasing the authorized travel expenses for certain employees at specified correctional centers and conservation camps; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 266.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 312.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 341.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 366.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that for the balance of the session, the reading of the history on Assembly and Senate bills and resolutions on the Second Reading File be dispensed with.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 37.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 555.

Amend section 1, page 1, by deleting lines 1 and 2 and inserting:

"Section 1. The Nevada Legislature hereby urges the department of transportation, in cooperation with local governmental entities, to continue the construction of walls to function as sound barriers along both sides of U.S.".

Amend the bill as a whole by deleting sections 2 and 3.

Amend the title of the bill to read as follows: "An Act relating to public highways; urging the department of transportation to continue the construction of two walls to function as sound barriers alongside a certain portion of U.S. Highway No. 95 in Clark County; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the first line and inserting: "Summary—Urges department of transportation to continue construction of".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 137.

Bill read second time and ordered to third reading.

Assembly Bill No. 478.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 554.

Amend sec. 2, pages 1 and 2, by deleting lines 3 through 14 on page 1 and lines 1 and 2 on page 2 and inserting:

"Sec. 2. *1. Any registered voter may be appointed to observe the conduct of an election at a polling place for early voting by personal appearance or on election day by:*

(a) A candidate whose name appears on a ballot for the election for which the representative is appointed; or

(b) A political party or committee sponsored by a political party.

2. A representative appointed pursuant to subsection 1:

(a) Shall, upon his arrival at the polling place, present a certificate of his appointment to the deputy clerk if he is appointed to a polling place for early voting by personal appearance or to any chairman of an election board if he is appointed to a polling place for election day. The certificate must include:

(1) The name and signature of the representative;

(2) The name of the candidate, political party or committee that appointed the person as its representative; and

(3) The polling place and election for which the representative is appointed.

(b) May sit or stand at such a location near an election board as to observe and hear conveniently the activities conducted at the polling place if he does not interfere with the conduct of the election.

3. A person may not be appointed pursuant to this section to observe the conduct of an election at more than one polling place.".

Amend sec. 3, page 2, line 3, by deleting: "*candidate for public office*" and inserting "*person*".

Amend sec. 3, page 2, by deleting line 5 and inserting: "*application to register to vote may, at any time except during the 20 days immediately preceding a primary election or general election, submit written notice of that allegation to*".

Amend sec. 3, page 2, line 7, by deleting "*candidate*" and inserting: "*person who submitted the notice*".

Amend sec. 3, page 2, line 12, by deleting "*candidate*" and inserting: "*person who submitted the notice*".

Amend sec. 5, page 3, by deleting lines 28 through 32 and inserting: "*contest, at any time after the general election until 14 days before the next regular session of the legislature. The person whose election is contested may take the deposition of any witness, including any other party to the contest, at any time after the general election until 14 days before the next regular session of the legislature. At least 3 days' notice must be given*".

Amend sec. 5, page 3, line 38, after "*contest,*" by inserting: "*other than a deposition taken after the filing of the statement of contest and before the 14th day before the next regular session of the legislature,*".

Amend sec. 6, page 4, line 41, by deleting "*subsection 3*" and inserting "*subsection 4*".

Amend the bill as a whole by deleting sec. 9 and renumbering sec. 10 as sec. 9.

Amend sec. 10, page 6, by deleting lines 40 and 41 and inserting: "first Monday in May of the year in which the election is to be held nor later than 5 p.m. on the third Monday in May.".

Amend sec. 10, page 7, by deleting lines 17 and 18 and inserting: "application to register to vote in any state since September 1 before the closing filing date for this election;".

Amend the bill as a whole by deleting sections 11 and 12 and renumbering sections 13 through 18 as sections 10 through 15.

Amend sec. 13, pages 9 and 10, by deleting line 44 on page 9 and lines 1 and 2 on page 10 and inserting: "number of registered voters therein, with a maximum of 600 registered voters per precinct in those precincts in which paper ballots are used, or a".

Amend sec. 13, page 10, line 5, by deleting "*subsection 3,*" and inserting: "*subsections 3 and 4,*".

Amend sec. 13, page 10, by deleting lines 10 through 15 and inserting: "*election precincts pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:*

(a) Posted in the manner prescribed for posting notice of the meetings of the board of county commissioners; and

(b) Mailed to each assemblyman, state senator or public officer of a local government who represents residents of any precinct affected by the consolidation.

4. Any person may file a written".

Amend sec. 14, page 10, by deleting line 29 and inserting: "3. In any county".

Amend sec. 14, page 10, by deleting lines 33 through 36 and inserting: "voters, may be designated an absent ballot mailing precinct.

4. The county clerk shall, at least 14 days before establishing or designating a precinct as a mailing precinct or absent ballot mailing precinct or before abolishing a mailing precinct pursuant to this section, cause notice of such action to be:

(a) Posted in the manner prescribed for posting notice of the meetings of the board of county commissioners; and

(b) Mailed to each assemblyman, state senator or public officer of a local government who represents residents of any precinct affected by the action.".

Amend sec. 15, page 11, line 23, after "state." by inserting: "*If the claim is approved by the state board of examiners, the state controller shall draw his warrant for the payment of the claim and the state treasurer shall pay the claim from the reserve for statutory contingency account not later than March 1 of the calendar year immediately following the year in which the general election was held.*".

Amend sec. 16, page 12, line 40, after "*office*" by inserting: "*other than a judicial office,*".

Amend sec. 17, page 13, line 7, by deleting "[20] *14*" and inserting "20".

Amend the bill as a whole by deleting sections 19 through 24 and renumbering sections 25 through 28 as sections 16 through 19.

Amend sec. 26, page 19, by deleting line 19 and inserting: "*this act before the filing of the statement of contest;*".

Amend sec. 26, page 19, line 25, by deleting "*A*" and inserting: "*Except as otherwise provided in this subsection, a*".

Amend sec. 26, page 19, by deleting line 31 and inserting: "*contest is filed with the secretary of state. A deposition taken by the contestant pursuant to subsection 3 of section 5 of this act after the filing of the statement of contest and before the 14th day before the next regular session of the legislature*

must be served upon the person whose election is contested in the manner required for the service of a complaint in a civil action, not later than 24 hours after the 14th day before the convening of the next regular session of the legislature.".

Amend the bill as a whole by renumbering sec. 29 as sec. 21 and adding a new section designated sec. 20, following sec. 28, to read as follows:

"Sec. 20. NRS 293.567 is hereby amended to read as follows:

293.567 *1.* After the close of registration for each primary election but not later than the second Friday next preceding the primary election and after the close of registration for each general election but not later than the second Friday next preceding the general election, the county clerk shall ascertain *separately* by precinct and district the number of registered voters *and the number of inactive registered voters* in the county and their political affiliation, if any, and shall transmit that information to the secretary of state.

2. The secretary of state shall prepare and make available for public inspection a compilation of the information received from the county clerks pursuant to subsection 1.

3. As used in this section, "inactive registered voter" means a registered voter who has been designated as inactive pursuant to subsection 7 of NRS 293.530.".

Amend sec. 29, page 21, by deleting line 26 and inserting: "218.100 1. Before the [meeting of the assembly] *convening* of each session of the".

Amend sec. 29, page 21, line 29, by deleting the brackets.

Amend sec. 29, page 21, by deleting lines 31 through 33 and inserting: "*governor, chief clerk of the assembly and secretary of the senate.* The [members] *assemblymen* whose names appear upon the roll must be allowed to participate in the organization of the assembly. *The senators whose names appear upon the roll must be allowed to participate in the organization of the senate.*".

Amend the bill as a whole by deleting sections 30 through 36 and renumbering sections 37 through 40 as sections 22 through 25.

Amend sec. 37, page 27, lines 24 and 25, by deleting: "30 days after the general election held on November 3, 1998," and inserting: "January 15, 1999,".

Amend sec. 40, page 28, line 1, by deleting: "Section 16 of this act becomes" and inserting: "Sections 9 and 13 of this act become".

Amend the title of the bill by deleting the seventh through twelfth lines and inserting: "more contiguous election precincts; requiring a candidate for certain nonpartisan offices who receives a majority of the votes in a primary election or primary city election to be declared the nominee for that office; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 512.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 556.

Amend sec. 2, page 1, line 5, by deleting "*pool*" " and inserting: "*pool or spa*" ".

Amend sec. 2, page 1, line 11, after "*$1,000.*" by inserting: "*The term does not include contracts for the delivery or setup of aboveground pools and spas.*".

Amend sec. 3, page 1, line 12, after "*pool* " by inserting "*or spa*".

Amend sec. 3, page 2, line 3, after "*on the*" by inserting "*residential* ".

Amend sec. 3, page 2, line 6, after "*of a*" by inserting "*residential* ".

Amend sec. 3, page 2, line 10, by deleting "*agent;*" and inserting "*agent.*".

Amend sec. 3, page 2, by deleting lines 17 and 18 and inserting: "*completion of the particular stage or phase.*

(c) An agreement by the contractor to provide to each subcontractor, if any, prompt and full payment upon completion of each stage or phase of construction for the fair market value of services rendered by the subcontractor. Before requesting payment for the next stage or phase of construction, the contractor shall deliver to the owner an affidavit signed by the subcontractor attesting to the fact that full payment has been made to the subcontractor for the previous stage or phase of construction. In any action commenced by a subcontractor to enforce a lien pursuant to chapter 108 of NRS, such an affidavit constitutes a rebuttable presumption of full payment to the subcontractor for the fair market value of services rendered by the subcontractor for that stage or phase of construction.

(d) Any other provision required by the board to be included in such a".

Amend sec. 3, page 2, by deleting lines 22 through 30 and inserting:

"*(a) The failure of a contractor to:*

(1) Provide a written schedule for the completion of each stage or phase of the construction in accordance with paragraph (b) of subsection 1;

(2) Complete each stage or phase of construction within the time set forth in the applicable schedule;

(3) Provide prompt and full payment to a subcontractor; or

(4) Deliver to an owner the required affidavits in accordance with paragraph (c) of subsection 1 before requesting payment for the next stage or phase of construction.

(b) The commencement by a contractor of construction of a residential pool or spa before the results of a soil analysis conducted in accordance with paragraph (a) of subsection 1 have been reported by the professional engineer to the contractor.".

Amend sec. 4, page 2, line 32, by deleting "*pool:*" and inserting: "*pool or spa:*".

Amend sec. 4, page 3, line 1, after "*pool*" by inserting "*or spa*".

Amend sec. 5, page 3, by deleting lines 15 through 41 and inserting: "*construction of residential pools or spas. The informational statement must be entitled "Notice to the Owner."*

2. Before a contractor begins construction pursuant to a contract for the construction of a residential pool or spa, the contractor shall first provide to the owner of the residence or his designated agent a copy of the informational statement adopted for this purpose by the board pursuant to subsection 1.".

Amend the title of the bill by deleting the second through fifth lines and inserting: "of residential swimming pools and spas; prohibiting certain acts and omissions by contractors regarding the construction of residential swimming pools and spas; requiring specific disclosures by certain contractors; requiring the state contractors' board to adopt an informational statement; providing a penalty; and providing other".

Amend the summary of the bill by deleting the second line and inserting: "pools or spas. (BDR 54-1029)".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 517.

Bill read second time.

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

Amendment No. 612.

Amend section 1, page 1, line 3, by deleting "*shall,*" and inserting "*may,*".

Amend section 1, page 1, line 16, after "*sheriff*" by inserting: "*or other person authorized to issue a citation*".

Amend section 1, page 2, by deleting lines 18 through 21 and inserting: "*in abating the condition; and*

(c) Order any other appropriate relief.".

Amend section 1, page 2, line 22, by deleting "*justice's*".

Amend section 1, page 3, by deleting lines 5 and 6 and inserting:

"*(b) "Nuisance activity" means:*".

Amend section 1, page 3, line 9, by deleting "*and*".

Amend section 1, page 3, line 10, by deleting "*curfew.*" and inserting: "*curfew; or*

(4) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.".

Amend sec. 5, page 5, line 30, by deleting "*shall,*" and inserting "*may,*".

Amend sec. 5, page 5, line 43, after "*police*" by inserting: "*or other person authorized to issue a citation*".

Amend sec. 5, page 6, line 25, by deleting "*municipal*".

Amend sec. 5, page 7, by deleting lines 8 through 10 and inserting:

"*(b) "Nuisance activity" means:*".

Amend sec. 5, page 7, line 13, by deleting "*and*".

Amend sec. 5, page 7, line 14, by deleting "*curfew.*" and inserting: "*curfew; or*

(4) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 524.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 545.

Amend section 1, page 1, by deleting lines 3 through 6 and inserting: "criteria for a business plan for use by state agencies seeking:

(a) An expansion or statutory authority;

(b) An authorized expenditure or appropriation for a new program; or

(c) An authorized expenditure or appropriation for a program that is proposed for enhancement by more than $1,000,000 or 50 percent of the amount approved by the Legislature for the program for the current biennium, whichever is less.".

Amend section 1, page 1, after line 12 by inserting:

"4. Each business plan prepared in compliance with this section in relation to the proposed budget prepared for the 1999-2001 biennium must be submitted to the Legislature at the same time the proposed budget is transmitted to the Legislature in accordance with subsection 4 of NRS 353.230.".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 526.

Bill read second time.

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

Amendment No. 522.

Amend section 1, page 1, by deleting line 8 and inserting: "water users [.] *in order to charge such users.*".

Amend section 1, page 2, by deleting lines 10 through 12 and inserting:

"(b) The written consent is recorded with the county recorder of the county in which the property is".

Amend section 1, page 2, line 16, by deleting "5." and inserting "5.]".

Amend section 1, page 2, line 18, by deleting "6." and inserting "[6.] *5.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 528.

Bill read second time and ordered to third reading.

Assembly Bill No. 550.

Bill read second time and ordered to third reading.

Assembly Bill No. 556.

Bill read second time and ordered to third reading.

Senate Bill No. 44.

Bill read second time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 637.

Amend sec. 9, page 6, line 28, by deleting: "*Tuesday in March*" and inserting: "*Monday in May*".

Amend sec. 9, page 6, lines 29 and 30, by deleting: "*first Tuesday in June.*" and inserting: "*third Monday in May.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 563.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, if an older person or a vulnerable person suffers a personal injury or death that is caused by abuse or neglect or suffers a loss of money or property caused by exploitation, the person who caused the injury, death or loss is liable to the older person or vulnerable person for two times the actual damages incurred by the older person or vulnerable person.

2. If it is established by a preponderance of the evidence that a person who is liable for damages pursuant to this section acted with recklessness, oppression, fraud or malice, the court shall order the person to pay the attorney's fees and costs of the person who initiated the lawsuit.

3. The provisions of this section do not apply to a person who caused injury, death or loss to a vulnerable person if he did not know or have reason to know that the harmed person was a vulnerable person.

4. For the purposes of this section:

(a) "Abuse" means willful and unjustified:

(1) Infliction of pain, injury or mental anguish; or

(2) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;

(b) "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to obtain control, through deception, intimidation or undue influence, over the money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his money, assets or property. As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another;

(c) "Neglect" means the failure of:

(1) A person who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person; or

(2) An older person or a vulnerable person to provide for his own needs because of inability to do so;

(d) "Older person" means a person who is 60 years of age or older; and

(e) "Vulnerable person" means a person who:

(1) Has a physical or mental impairment that substantially limits one or more of the major life activities of the person; and

(2) Has a medical or psychological record of the impairment or is otherwise regarded as having the impairment.

The term includes, without limitation, a person who is mentally retarded, a person who has a severe learning disability, a person who suffers from a severe mental or emotional illness or a person who suffers from a terminal or catastrophic illness or injury.

Sec. 2. This act becomes effective upon passage and approval.".

Amend the title of the bill, second and third lines, by deleting: "in treble damages for any loss or damage sustained" and inserting: "for two times the actual damages incurred".

Amend the summary of the bill, first line, by deleting: "in treble damages" and inserting: "for two times the actual damages incurred".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 245.

Bill read second time and ordered to third reading.

Senate Bill No. 330.

Bill read second time and ordered to third reading.

Senate Bill No. 338.

Bill read second time and ordered to third reading.

Senate Bill No. 364.

Bill read second time and ordered to third reading.

Senate Bill No. 380.

Bill read second time and ordered to third reading.

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

Motion carried.

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 12:29 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 599—An Act relating to cancer; revising provisions governing the system for the reporting of information on cancer; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 600—An Act relating to county hospital districts; providing in skeleton form for the establishment of a hospital district that includes territory within more than one county; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 330 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 361 be taken from General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 451 be re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 242.

Bill read third time.

Remarks by Assemblymen Herrera, Perkins, Anderson, Ohrenschall, Carpenter, Humke and Freeman.

Assemblyman Anderson moved that Assembly Bill No. 242 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 289.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 662.

Amend the bill as a whole by adding a new section designated sec. 20.5, following sec. 20, to read as follows:

"Sec. 20.5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 355.

Bill read third time.

Remarks by Assemblymen Sandoval and Carpenter.

Roll call on Assembly Bill No. 355:

YEAS — 42.

NAYS — None.

Assembly Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366.

Bill read third time.

Remarks by Assemblymen Bache, Koivisto, Braunlin, Price and Arberry.

Conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 366:

YEAS—37.

NAYS—Evans.

Not voting—de Braga, Koivisto, Lambert, Sandoval—4.

Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 440:

YEAS — 42.

NAYS — None.

Assembly Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 508.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 508:

YEAS — 41.

NAYS — None.

Not voting — Sandoval.

Assembly Bill No. 508 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 538.

Bill read third time.

Remarks by Assemblymen Segerblom, Ernaut, Anderson, Price, Bache and Collins.

Roll call on Assembly Bill No. 538:

YEAS — 38.

NAYS — Ernaut, Hettrick, Hickey, Marvel—4.

Assembly Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Joint Resolution No. 14, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

Resolution ordered transmitted to Senate.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Anderson and Berman as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Joint Resolution No. 14.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 128, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

Bill ordered transmitted to Senate.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Carpenter, Collins and Perkins as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 128.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 174.

The following Senate amendment was read:

Amendment No. 413.

Amend the bill as a whole by renumbering section 1 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 315.977 is hereby amended to read as follows:

315.977 1. The Nevada rural housing authority, consisting of five commissioners, is hereby created.

2. The commissioners must be appointed as follows:

(a) Two commissioners must be appointed by the Nevada League of Cities.

(b) Two commissioners must be appointed by the Nevada Association of Counties.

(c) One commissioner must be appointed [by the governor.] *jointly by the Nevada League of Cities and the Nevada Association of Counties.* This commissioner must be a current recipient of assistance from the authority and must be selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects operated by the authority. If no such organization exists, the commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority. If

during his term the commissioner ceases to be a recipient of assistance, he must be replaced by a person who is a recipient of assistance.

3. After the initial terms, the term of office of a commissioner is 4 years or until his successor takes office.

4. A majority of the commissioners constitutes a quorum, and a vote of the majority is necessary to carry any question.

5. If either of the appointing entities listed in [paragraphs (a) and (b) of] subsection 2 ceases to exist, the *pertinent* appointments required by subsection 2 must be made by the successor in interest of that entity or, if there is no successor in interest, by the other appointing entity.

Sec. 2. NRS 315.983 is hereby amended to read as follows:

315.983 1. Except as otherwise provided in NRS 354.474 and 377.057, the authority:

(a) Shall be deemed to be a public body corporate and politic, and an instrumentality, local government and political subdivision of the state, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of NRS 315.961 to 315.996, inclusive, but not the power to levy and collect taxes or special assessments.

(b) Is not an agency, board, bureau, commission, council, department, division, employee or institution of the state.

2. The authority may:

(a) Sue and be sued.

(b) Have a seal.

(c) Have perpetual succession.

(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(e) Deposit money it receives in any insured state or national bank, insured credit union, insured savings and loan association, or in the local government pooled long-term investment account created by NRS 355.165 or the local government pooled investment fund created by NRS 355.167.

(f) Adopt bylaws, rules and regulations to carry into effect the powers and purposes of the authority.

(g) Create a nonprofit organization which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the development of housing projects.

Sec. 3. NRS 315.984 is hereby amended to read as follows:

315.984 Subject to the provisions of NRS 315.986 and 315.987 [, the authority] *:*

1. The authority or a nonprofit corporation created pursuant to paragraph (g) of subsection 2 of NRS 315.983 may, within its area of operation [:

1. Prepare,] , *prepare,* carry out and operate housing projects and provide for the construction, reconstruction, improvement, extension, alteration [,] or repair of any such project or any part thereof.

2. [Administer] *The authority may, within its area of operation, administer* programs to subsidize that portion of a tenant's rental payments which represents the difference between the payment required in the lease and the amount paid under any program of the Federal Government.

3. [Determine] *The authority may, within its area of operation, determine* where there is a need for additional low-rent housing for persons of low income and where there is unsafe, insanitary or overcrowded housing.

4. [Make] *The authority may, within its area of operation, make* studies and recommendations relating to the problems of relieving the shortage of low-rent housing and of eliminating unsafe, insanitary or overcrowded housing.

5. [Cooperate] *The authority may, within its area of operation, cooperate* with the Federal Government, state agencies, local housing authorities, counties, cities, towns and other political subdivisions of the state in action taken in connection with such problems.

Sec. 4. NRS 315.993 is hereby amended to read as follows:

315.993 1. The authority shall not construct or operate any housing project for profit.

2. The authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals or payments for dwelling accommodations at low rates consistent with its providing decent, safe and sanitary dwelling accommodations for persons of low income.

3. The authority shall fix the rentals or payments for dwellings in its housing projects at no higher rates than are necessary to produce revenue which, together with all other available money, revenue, income and receipts of the authority from whatever sources derived, will be sufficient:

(a) To pay, as it becomes due, the principal and interest on the bonds of the authority.

(b) To create and maintain such reserves as may be required to assure the payment of principal and interest as it becomes due on its bonds.

(c) To meet the cost of, and to provide for, maintaining and operating the housing projects, including necessary reserves therefor and the cost of any insurance, and the administrative expenses of the authority.

(d) To make such payments in lieu of taxes as it determines are consistent with the maintenance of the low-rent character of the housing projects.

4. For the purposes of this section, a housing project constructed or operated by the authority that is eligible for credit for low-income housing pursuant to 26 U.S.C. § 42 is not constructed or operated for profit.".

Amend the bill as a whole by renumbering sec. 2 as sec. 7 and adding a new section designated sec. 6, following section 1, to read as follows:

"Sec. 6. As soon as practicable after December 31, 1997, the Nevada League of Cities and the Nevada Association of Counties shall appoint to the Nevada rural housing authority the commissioner appointed pursuant to paragraph (c) of subsection 1 of NRS 315.977.".

Amend the title of the bill to read as follows: "An Act relating to public organizations; revising the membership of the Nevada rural housing authority; authorizing the authority to create certain nonprofit corporations to develop housing projects; authorizing general improvement districts to charge a fee for snow removal; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes to provisions governing public organizations. (BDR 25-865)".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 174.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 430, 446; Assembly Concurrent Resolutions Nos. 40, 41; Senate Bills Nos. 264, 337; Senate Concurrent Resolutions Nos. 8, 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tyson Burton and Cairn Anderson.

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Tilisa May.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Yi.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Bridget Watters.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Tammy Labeth and Jo Marriot.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Alison Cornmesser.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Lupe Munoz.

On request of Assemblywoman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Walchi.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Harold Bradford and Sharon Rosse.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Fran Wagner.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Shanna Sparks and Stephanie Lewis.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Robbie Grant, Justin Grant, Trevor Grant, Penny Sparks and Derek Wellock.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Winters.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Wright.

Assemblyman Perkins moved that the Assembly adjourn until Friday, June 13, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 1:29 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-FIFTH DAY

CARSON CITY (Friday), June 13, 1997

Assembly called to order at 11:21 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Dr. Alicia Matsunaga.

By the grace of the Other Power, which is both transcendent and dwelling within us, may we receive the wisdom and compassion to preserve and improve our environment, to protect all forms of sentient life, and to realize the potential of this beautiful State of Nevada. In gassho.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 184, 527, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Infrastructure, to which was referred Assembly Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which were referred Senate Bills Nos. 5, 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 12, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 223, 263, 509.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 36.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 136.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 183, 185.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 280.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 13, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 50.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 43—Encouraging certain nonprofit organizations and governmental agencies to establish programs to protect children from sexual molestation.

Assemblyman Anderson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Concurrent Resolution No. 50.

Assemblyman Herrera moved the adoption of the resolution.

Remarks by Assemblymen Herrera, Goldwater, Collins, Price, Buckley, Close, Segerblom, Chowning, Carpenter, Mortenson, Ohrenschall and Anderson.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 601—An Act relating to irrigation districts; revising provisions governing the qualifications of electors in an irrigation district; authorizing a special election at any time upon the unanimous vote of the board of directors of an irrigation district; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 602—An Act making an appropriation for new and replacement equipment for the Division of Forestry of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 183.

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

Motion carried.

Senate Bill No. 185.

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

Motion carried.

Senate Bill No. 280.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 289, 478, 512, 517, 524, 526; Senate Bills Nos. 44, 80 be placed on the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 361 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Freeman moved that Assembly Bill No. 11 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Freeman.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 484 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Price moved that Assembly Bill No. 528 be taken from the General File and re-referred to the Committee on Taxation.

Motion carried.

Assemblyman Price moved that Senate Bill No. 364 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 571.

Amend the bill as a whole by deleting section 1, sections 3 through 6, sections 8 through 10 and the text of the repealed sections and renumbering sections 2 and 7 as sections 1 and 2.

Amend sec. 7, pages 5 and 6, by deleting lines 31 through 42 on page 5 and lines 1 through 39 on page 6 and inserting:

"Sec. 2. NRS 502.250 is hereby amended to read as follows:

502.250 1. Except as otherwise provided in [subsection 5,] *this section,* the following fees must be charged for tags:

Resident deer tag for regular season	$15
Nonresident and alien deer tag for regular season	60
Resident antelope tag	50
Resident elk tag	100
Resident bighorn tag	100
Resident mountain goat tag	100
Resident mountain lion tag	[50] *25*

2. Other resident big game tags for special seasons must not exceed $50. Other nonresident big game tags for special seasons must not exceed $1,000.

3. Tags determined to be necessary by the commission for other species pursuant to NRS 502.130 [,] must not exceed $100.

4. A fee not to exceed $10 may be charged for processing an application for a tag other than an elk tag. A fee of not less than $5 but not more than $15 must be charged for processing an application for an elk tag, $5 of which must be deposited with the state treasurer for credit to the wildlife account in the state general fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this state.

5. The commission may accept sealed bids for or auction not more than 15 big game tags each year. To reimburse the division for the cost of managing [the] wildlife and administering and conducting the bid or auction, not more than 18 percent of the total amount of money received from the bid

or auction may be deposited with the state treasurer for credit to the wildlife account in the state general fund. Any amount of money received from the bid or auction that is not so deposited must be deposited with the state treasurer for credit to the wildlife heritage trust account in the state general fund in accordance with the provisions of NRS 501.3575.

6. The commission may by regulation establish an additional drawing for big game tags, which may be entitled the partnership in wildlife drawing. [The] *To reimburse the division for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the state treasurer for credit to the wildlife account in the state general fund. Except as otherwise provided by regulations adopted by the commission pursuant to subsection 7, the* money received by the division from applicants in the drawing who are not awarded big game tags must be deposited with the state treasurer for credit to the wildlife heritage trust account in accordance with the provisions of NRS 501.3575.

7. The commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.".

Amend the title of the bill to read as follows: "An Act relating to wildlife; reducing the fee for a resident mountain lion tag; authorizing the board of wildlife commissioners to retain for administrative costs a certain percentage of the money received from an additional drawing for big game tags; authorizing the board of wildlife commissioners to adopt regulations which authorize the refund of fees paid for certain hunting tags; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 354.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 629.

Amend section 1, page 1, line 2, by deleting: "to 5, inclusive," and inserting: ", 3 and 4".

Amend the bill as a whole by deleting sections 2 through 19, renumbering sections 20 and 21 as sections 6 and 7 and adding new sections designated sections 2 through 5, following section 1, to read as follows:

"Sec. 2. *1. A person who makes a contribution, in the form of services provided in kind for which money would have otherwise been paid, to a:*

(a) Candidate;

(b) Committee for political action, political party or committee sponsored by a political party;

(c) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group;

(d) Person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot; or

(e) Committee for the recall of a public officer,

shall, within 30 days after the time he furnishes those services, provide to the recipient a statement signed by the provider that sets forth the actual cost of those services or, if that amount cannot be determined, the fair market value of those services.

2. A candidate, committee, political party or other person shall include the amount set forth in the statement provided pursuant to subsection 1 in the report required to be filed pursuant to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.270 or 294A.360 or section 14 of Senate Bill No. 215 of this session, unless the candidate, committee, political party or other person knows or should have known that the amount is not accurate.

3. If a candidate, committee, political party or other person knows or should have known that the amount set forth in the statement provided pursuant to subsection 1 is not accurate, he shall include in the report required to be filed pursuant to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.270 or 294A.360 or section 14 of Senate Bill No. 215 of this session, the amount that he determines is the actual cost of the services or, if he cannot determine the actual cost, the fair market value of the services.

Sec. 3. *1. Except as otherwise provided in subsection 3, any:*

(a) Candidate;

(b) Representative of a committee for political action, committee sponsored by a political party or political party;

(c) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group;

(d) Person or the representative of a group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election; or

(e) Representative of a committee for the recall of a public officer,

who returns a contribution within 14 days after he or any person who is authorized to receive contributions on his behalf receives the contribution, is not required to report that contribution pursuant to the provisions of NRS

294A.120, 294A.140, 294A.150, 294A.270 or 294A.360 or section 14 of Senate Bill No. 215 of this session.

2. If a person returns a contribution more than 14 days after he or any person who is authorized to receive contributions on his behalf receives the contribution:

(a) He shall report it as a contribution pursuant to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.270 or 294A.360 or section 14 of Senate Bill No. 215 of this session; and

(b) The return of the contribution shall be deemed a campaign expense and must be reported as such pursuant to the provisions of NRS 294A.200, 294A.210, 294A.220, 294A.280 or 294A.360 or section 14 of Senate Bill No. 215 of this session.

3. A person described in subsection 1 who does not have personal knowledge of a contribution that is received by a person who is authorized to receive contributions on his behalf until more than 14 days after the contribution is received is not required to report that contribution pursuant to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.270 or 294A.360 or section 14 of Senate Bill No. 215 of this session if he:

(a) Returns the contribution within 14 days after he has personal knowledge of the contribution; and

(b) Includes in the next report he submits pursuant to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.270 or 294A.360 or section 14 of Senate Bill No. 215 of this session an affidavit signed by him under penalty of perjury attesting that he:

(1) Did not have personal knowledge of the contribution until more than 14 days after a person authorized to receive contributions on his behalf received the contribution; and

(2) Returned the contribution within 14 days after he had personal knowledge of the receipt of the contribution.

Sec. 4. *For the purpose of determining the period for which a contribution must be reported pursuant to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.270 or 294A.360 or section 14 of Senate Bill No. 215 of this session, a contribution shall be deemed to have been received 14 days after a person described in subsection 1 of section 3 of this act or any person who is authorized to accept contributions on behalf of that person has knowledge of and actual physical possession of the contribution. The date on a check or other negotiable instrument is not conclusive evidence of the date of the receipt of a contribution.*

Sec. 5. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group;

(3) Committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates; or

(4) Person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot,

without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. *The term "contribution" does not include the value of services provided by an employee of a:*

(a) Political party; or

(b) Committee sponsored by a political party.

3. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services he provides to a campaign.".

Amend the bill as a whole by deleting section 22 and the text of the repealed section and adding a new section designated sec. 8, following sec. 21, to read as follows:

"Sec. 8. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to campaign practices; requiring a person who furnishes services as an in-kind contribution to provide a written statement declaring the cost or fair market value of those services; providing that a candidate, committee for political action, committee sponsored by a political party, political party and certain other persons and groups are not required to report a contribution received if that contribution is returned within a certain period; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 470.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 502.

Amend section 1, pages 1 and 2, by deleting lines 3 through 19 on page 1 and lines 1 through 20 on page 2 and inserting: "*The commission shall adopt regulations to establish a program pursuant to which the division will issue special incentive elk tags. The regulations must:*

1. Set forth the application and annual review processes for the issuance of special incentive elk tags.

2. Require that an application for a special incentive elk tag be accompanied by:

(a) The fee charged for an elk tag pursuant to NRS 502.250; and

(b) Any administrative fee charged in connection with the issuance of an elk tag pursuant to this chapter.

3. Provide for the issuance of a special incentive elk tag only to a person who:

(a) Lawfully owns, leases or manages private land within an actual elk use area; and

(b) If that private land blocks reasonable access to adjacent public land, provides reasonable access through the private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.

4. Establish criteria for the issuance of special incentive elk tags based upon:

(a) The percentage of private land controlled by the applicant;

(b) The portion of the population of elk above the target level for elk established by the land management agency; and

(c) Limiting the number of special incentive elk tags issued in each calendar year to not more than one-half of the bull elk tags issued in that calendar year,

within the actual elk use area in the unit or units of the management area or areas in which the private land is located.

5. Provide that special incentive elk tags are valid for both sexes of elk.

6. Prohibit a person who has, within a particular calendar year, applied for or received compensation pursuant to NRS 504.165 as reimbursement for damage caused by elk to private land from applying, within the same calendar year, for a special incentive elk tag for the same private land.

7. Allow a group of owners, lessees and managers of private land to qualify for a special incentive elk tag for their combined lands.

8. Ensure that the issuance of special incentive elk tags will not result in the number of bull elk tags issued in any year being reduced to a number below the quota for bull elk tags established by the commission for 1997.

9. Provide that a person to whom a special incentive elk tag is issued by the commission pursuant to this section may:

(a) If he holds a valid hunting license issued by this state, use the special incentive elk tag himself; or

(b) Sell the special incentive elk tag to another person who holds a valid hunting license issued by this state at any price upon which the parties mutually agree.".

Amend section 1, page 2, between lines 27 and 28, by inserting:

"*12. As used in this section, "actual elk use area" means an area in which elk live, as identified and designated by the division.*".

Amend sec. 2, page 3, by deleting lines 8 through 11 and inserting:

"3. *The regulations must:*

(a) Provide for the payment of money or other compensation to cover the costs of labor and materials necessary to prevent or mitigate damage to private property and privately maintained improvements caused by elk or game mammals not native to this state.

(b) Prohibit a person who has, within a particular calendar year, applied for or received a special incentive elk tag pursuant to section 1 of this act from applying, within the same calendar year, for compensation pursuant to this section for the same private land.".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 500.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 525.

Amend section 1, page 1, line 9, after "*agreement.*" by inserting: "*The agreement must require the county treasurer to prepare an annual statement that includes an accounting of revenues and expenditures and the balance in the state sheep inspection account. The statement must cover the most recent fiscal year and must be submitted, within 90 days after the end of that fiscal year, to the county treasurer, the president of the board, the director of the department of administration, the state controller and the legislative auditor.*".

Amend section 1, page 2, by deleting lines 4 and 5.

Amend sec. 10, page 3, line 42, after "*agreement.*" by inserting: "*The agreement must require the county treasurer to prepare an annual statement that includes an accounting of revenues and expenditures and the balance in the woolgrowers' state account for control of predatory animals. The statement must cover the most recent fiscal year and must be submitted, within 90 days after the end of that fiscal year, to the county treasurer, the president of the board, the director of the department of administration, the state controller and the legislative auditor.*".

Amend sec. 10, page 4, by deleting lines 9 and 10.

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 511.

Bill read second time.

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

Amendment No. 611.

Amend sec. 3, page 3, line 7, after "*3.*" by inserting: "*The provisions of this section do not apply to commercial displays of fireworks.*

4.".

Amend sec. 3, page 3, by deleting line 20 and inserting "*composition;*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Arberry moved that Assembly Bill No. 511 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 521.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 640.

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *"Bona fide association" means, with respect to health insurance coverage offered in this state, an association that:*

1. Has been actively in existence for at least 5 years;

2. Has been formed and maintained in good faith for purposes other than obtaining insurance;

3. Does not condition membership in the association on any health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee;

4. Makes health insurance coverage offered through the association available to all of its members regardless of any health status-related factors of the members or other individuals who are eligible for such health insurance coverage through a member of the association;

5. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and

6. Meets such additional requirements as may be imposed by specific statute.".

Amend sec. 10, page 2, line 25, by deleting "*1.*".

Amend sec. 10, page 2, line 26, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 10, page 2, line 27, by deleting "*(1)*" and inserting "*(a)*".

Amend sec. 10, page 2, line 30, by deleting "*(2)*" and inserting "*(b)*".

Amend sec. 10, page 2, line 33, by deleting "*(3)*" and inserting "*(c)*".

Amend sec. 10, page 2, line 38, by deleting "*(4)*" and inserting "*(d)*".

Amend sec. 10, page 2, line 40, by deleting "*and*".

Amend sec. 10, page 2, line 41, by deleting "*(5)*" and inserting "*(e)*".

Amend sec. 10, pages 2 and 3, by deleting lines 42 through 44 on page 2 and lines 1 through 8 on page 3 and inserting: "*Consolidated Omnibus Budget Reconciliation Act of 1985, or under a similar state program, if any; and*

(f) Who has not had a break of more than 63 consecutive days in his creditable coverage.

2. Notwithstanding the provisions of paragraph (a) of subsection 1, a newborn child or a child placed for adoption, if the child was enrolled timely and would have otherwise met the requirements of an eligible person as set forth in subsection 1.".

Amend sec. 13, page 3, line 15, after "*to*" by inserting "*it* ".

Amend sec. 14, page 3, line 19, before "*"Group*" by inserting "*1.*".

Amend sec. 14, page 3, after line 24, by inserting:

"*2. The term does not include:*

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics; and

(h) Other similar insurance coverage specified in federal regulations adopted pursuant to Public Law 104-191 under which benefits for medical care are secondary or incidental to other insurance benefits.

3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in federal regulations adopted pursuant to Public Law 104-191.

4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and such benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, as that section existed on the effective date of this act;

(b) Coverage supplemental to the coverage provided pursuant to chapter 55 of Title 10, United States Code (Civilian Health and Medical Program of Uniformed Services (CHAMPUS)); and

(c) Similar supplemental coverage provided under a group health plan.".

Amend sec. 17, page 4, line 43, by deleting the period and inserting: "*to individuals and their dependents in this state.*".

Amend sec. 18, page 5, line 1, by deleting "*eligible persons*" and inserting "*individuals*".

Amend sec. 18, page 5, line 2, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 18, page 5, line 4, by deleting "*eligible person*" and inserting "*individual* ".

Amend sec. 18, page 5, line 6, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 18, page 5, line 8, by deleting "*eligible person*" and inserting "*individual* ".

Amend sec. 20, page 5, by deleting lines 15 and 16 and inserting: "*that has elected to act as a risk-assuming carrier.*".

Amend sec. 21, page 5, by deleting lines 17 through 23, and inserting:

"Sec. 21. (Deleted by amendment.)".

Amend sec. 22, page 5, line 24, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 22, page 5, line 25, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 26, page 5, by deleting lines 40 through 43 and inserting:

"Sec. 26. (Deleted by amendment.)".

Amend sec. 28, page 6, by deleting lines 3 through 24 and inserting:

"Sec. 28. (Deleted by amendment.)".

Amend sec. 29, page 6, line 26, by deleting "*individuals*" and inserting "*eligible persons*".

Amend sec. 32, page 6, by deleting lines 36 and 37 and inserting:

"*(a) Any health benefit plan that must be made available to eligible persons; and* ".

Amend the bill as a whole by adding a new section designated sec. 33.5, following sec. 33, to read as follows:

"Sec. 33.5. *A person who meets the requirements to be an eligible person as set forth in section 10 of this act, except that the person had a break in creditable coverage of more than 63 days, shall be deemed to be an eligible person and is eligible to obtain health insurance coverage pursuant to this chapter as an eligible person if the person seeks that coverage between January 1, 1998, and January 31, 1998, inclusive.*".

Amend sec. 34, page 7, by deleting lines 35 through 37 and inserting: "*bona fide association if the eligible persons being marketed are actively engaged in, or directly related to, the bona fide association.*".

Amend sec. 35, page 7, line 39, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 35, page 7, line 43, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 35, page 8, line 2, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 35, page 8, line 3, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 35, page 8, by deleting lines 6 through 8.

Amend sec. 35, page 8, line 9, by deleting "*5.*" and inserting "*4.*".

Amend sec. 36, page 8, line 23, by deleting "*1996,*" and inserting "*1998,*".

Amend sec. 38, page 9, by deleting lines 8 through 12 and inserting: "*notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the insurance to be discontinued pursuant to subparagraph (2).*

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at".

Amend sec. 38, page 9, line 23, by deleting "*affected persons*" and inserting: "*persons covered by the discontinued insurance*".

Amend sec. 38, page 9, line 34, by deleting "*affected persons*" and inserting: "*persons covered by the discontinued insurance*".

Amend sec. 38, page 9, line 35, by deleting "*affected person,*" and inserting: "*person covered by the discontinued insurance,*".

Amend sec. 38, page 9, lines 36 and 37, by deleting: "*an affected person*" and inserting: "*a person covered by the discontinued insurance*".

Amend sec. 38, page 9, line 39, by deleting "*affected persons*" and inserting: "*persons covered by the discontinued insurance*".

Amend sec. 38, page 9, line 41, by deleting "*affected person*" and inserting: "*person covered by the discontinued insurance*".

Amend sec. 38, page 10, line 4, by deleting "*affected persons*" and inserting: "*persons covered by the discontinued insurance*".

Amend sec. 38, page 10, line 9, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 39, page 10, line 27, by deleting "*or work*".

Amend sec. 40, page 10, line 38, by deleting "*offer*" and inserting "*market*".

Amend sec. 40, page 10, line 44, by deleting "*offers*" and inserting "*makes available*".

Amend sec. 40, page 11, line 3, after "*any*" by inserting: "*basic or standard* ".

Amend sec. 41, page 11, line 9, by deleting "*180*" and inserting "*90*".

Amend sec. 41, page 11, line 11, by deleting "*180*" and inserting "*90*".

Amend sec. 42, page 11, by deleting lines 29 and 30, and inserting:

"*2. Modify a health benefit plan, with respect to an eligible person, through riders, endorsements or otherwise, to restrict or exclude*".

Amend sec. 43, pages 11 and 12, by deleting line 43 on page 11 and lines 1 through 3 on page 12 and inserting: "*to additional eligible persons until the individual carrier demonstrates to the satisfaction of the*".

Amend sec. 45, page 12, line 22, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 46, page 12, by deleting lines 27 through 31 and inserting: "*market in this state, an individual carrier shall elect to operate as either an individual risk-assuming carrier or an individual reinsuring carrier and shall notify the commissioner of its election.*".

Amend sec. 46, page 12, by deleting lines 37 through 39 and inserting: "*election at any time for good cause shown. The commissioner may waive or modify the period during which the election of a carrier to operate as an*".

Amend sec. 46, page 13, line 1, by deleting: "*applies and is approved* " and inserting: "*elects or is subsequently authorized by the commissioner*".

Amend sec. 47, page 13, by deleting lines 8 through 31 and inserting:

"Sec. 47. *1. The commissioner may suspend the election of an individual carrier to*".

Amend sec. 47, page 13, line 39, after the semicolon, by inserting "*or*".

Amend sec. 47, page 13, line 41, by deleting "*act; or*" and inserting "*act.*".

Amend sec. 47, page 13, by deleting lines 42 and 43.

Amend sec. 47, page 14, line 1, by deleting "*5.*" and inserting "*2.*".

Amend sec. 48, page 14, by deleting lines 10 and 11 and inserting: "*characteristics and design of benefits, the rate for any block of business for an individual health benefit plan*".

Amend sec. 48, page 14, line 17, by deleting "*paragraph,*" and inserting "*subsection,*".

Amend sec. 48, page 14, by deleting lines 19 through 24 and inserting:

"*2. In determining the rating factors to establish premium rates for a health benefit plan, an individual carrier shall not use characteristics other than age, sex, occupation, geographic area, composition of the family of the individual and health status.*

3. If an individual carrier uses health status as a rating factor in establishing premium rates, the highest factor associated with any classification for health status may not exceed the lowest factor by more than 75 percent.".

Amend sec. 48, page 14, line 25, by deleting "*3.*" and inserting "*4.*".

Amend sec. 48, page 14, line 26, after "*rating, or*" by inserting "*adverse*".

Amend sec. 48, page 14, after line 27, by inserting:

"*5. As used in this section, "characteristics" means demographic or other information concerning individuals that is considered by a carrier in the determination of premium rates for individuals.*".

Amend sec. 49, page 14, line 29, after "*business*" by inserting: "*of an individual carrier*".

Amend sec. 49, page 14, line 32, by deleting "*an*" and inserting "*that*".

Amend sec. 49, page 15, by deleting lines 1 through 6.

Amend sec. 49, page 15, line 7, by deleting "*5.*" and inserting "*4.*".

Amend sec. 49, page 15, by deleting lines 13 through 18.

Amend sec. 51, page 15, line 34, after the semicolon, by inserting "*and* ".

Amend sec. 51, page 15, by deleting lines 36 through 39 and inserting: "*exclusion for a preexisting condition.*".

Amend sec. 54, page 17, line 21, by deleting "*is*" and inserting "*may constitute*".

Amend sec. 54, page 17, after line 27, by inserting:

"*9. Nothing in this section interferes with the right and responsibility of a broker to advise and represent the best interests of an eligible person who is seeking health insurance coverage from an individual carrier.*".

Amend sec. 55, page 17, lines 29 and 30, by deleting "*eligible persons*" and inserting "*individuals*".

Amend sec. 55, page 17, line 31, by deleting "*eligible person*" and inserting "*individual*".

Amend sec. 55, page 17, line 32, by deleting "*January*" and inserting "*July*".

Amend sec. 55, page 17, by deleting line 35 and inserting "*individuals.*".

Amend sec. 56, page 17, line 38, after "*of coverage*" by inserting: "*on a form prescribed by the commissioner*".

Amend sec. 56, pages 17 and 18, by deleting lines 41 through 44 on page 17 and lines 1 and 2 on page 18 and inserting: "*health insurance coverage; and*

(b) The date that a substantially completed application was received by the health insurance issuer from the person for individual health insurance coverage.".

Amend sec. 65, page 19, line 31, before "*"Group*" by inserting "*1.*".

Amend sec. 65, page 19, after line 36, by inserting:

"*2. The term does not include:*

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics; and

(h) Other similar insurance coverage specified in federal regulations adopted pursuant to Public Law 104-191 under which benefits for medical care are secondary or incidental to other insurance benefits.

3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to Public Law 104-191.

4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and such benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, as that section existed on the effective date of this act;

(b) Coverage supplemental to the coverage provided pursuant to chapter 55 of Title 10, United States Code (Civilian Health and Medical Program of Uniformed Services (CHAMPUS)); and

(c) Similar supplemental coverage provided under a group health plan.".

Amend sec. 69, page 21, by deleting lines 12 through 19 and inserting:

"Sec. 69. (Deleted by amendment.)".

Amend sec. 73, page 21, by deleting lines 31 through 34 and inserting:

"Sec. 73. (Deleted by amendment.)".

Amend sec. 74, page 21, by deleting lines 35 through 37 and inserting:

"Sec. 74. *"Waiting period" means the period established by a plan of health insurance that must pass before a person who is an eligible participant or beneficiary in a plan is covered for benefits under the terms of the plan.*".

Amend sec. 77, page 22, line 40, after "*certification*" by inserting: "*on a form prescribed by the commissioner*".

Amend sec. 78, page 23, by deleting lines 18 through 21, and inserting: "*not deny, exclude or limit a benefit for a preexisting condition for:*

(a) More than 12 months after the effective date of coverage if the employee enrolls through open enrollment or after the first day of the waiting period for such enrollment, whichever is earlier; or

(b) More than 18 months after the effective date of coverage for a late enrollee.

A carrier may not define a".

Amend sec. 78, page 23, line 28, by deleting "*90*" and inserting "*63*".

Amend sec. 78, page 23, line 32, after the semicolon, by inserting "*or*".

Amend sec. 78, page 23, line 33, by deleting "*90*" and inserting "*63*".

Amend sec. 78, page 23, by deleting lines 35 through 42 and inserting: "*group health plan.*".

Amend sec. 78, page 24, line 21, by deleting "*covered*".

Amend sec. 78, page 24, line 22, by deleting "*90*" and inserting "*63*".

Amend sec. 78, page 25, line 10, after "*enrollment*" by inserting: "*, subject to any waiting period,*".

Amend sec. 80, page 25, line 19, by deleting "*A*" and inserting: "*Except as otherwise provided in this subsection, a*".

Amend sec. 80, page 25, after line 25, by inserting: "*The provisions of this subsection do not apply to any group health plan or health insurance coverage in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum period set forth in this subsection is made by the attending physician of the mother or newborn infant.*".

Amend sec. 80, page 26, line 3, by deleting "*section prohibits*" and inserting: "*section:*

(a) Prohibits".

Amend sec. 80, page 26, after line 9, by inserting:

"*(b) Prohibits an arrangement for payment between a group health plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.*

(c) Prevents a group health plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.".

Amend sec. 81, page 26, line 11, by deleting "*his dependent*" and inserting: "*a dependent of an employee covered by the group health insurance*".

Amend sec. 82, page 26, line 31, after "*employee*" by inserting: "*covered by the group health plan*".

Amend sec. 83, page 28, by deleting line 2 and inserting: "*a similarly situated person covered by similar coverage*".

Amend sec. 84, page 28, line 33, by deleting "*affected persons*" and inserting: "*persons covered by the discontinued insurance*".

Amend sec. 84, page 28, line 35, by deleting "*affected persons*" and inserting: "*persons covered by the discontinued insurance*".

Amend sec. 84, page 28, line 37, by deleting "*an affected* " and inserting "*such a*".

Amend sec. 84, page 29, line 7, by deleting "*affected persons*" and inserting: "*persons covered by the discontinued insurance*".

Amend sec. 84, page 29, by deleting lines 9 and 10 and inserting:

"*(b) The carrier notifies each person covered by the discontinued insurance and the commissioner and the chief regulatory officer in each state in which such a person is*".

Amend sec. 84, page 29, line 14, by deleting "*affected person*" and inserting: "*person covered by the discontinued insurance*".

Amend sec. 84, page 29, lines 19 and 20, by deleting "*affected persons*" and inserting: "*persons covered by the discontinued insurance*".

Amend sec. 84, page 29, line 25, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 84, page 29, line 27, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 84, page 29, line 29, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 84, page 29, line 42, by deleting "*"professional* " and inserting "*"bona fide*".

Amend sec. 84, page 29, line 43, by deleting "*28*" and inserting "*4.5*".

Amend sec. 85, page 30, line 5, by deleting "*insurance.*" and inserting: "*insurance, provided that such coverage is refused or terminated uniformly without regard to any health status-related factor for any employee of the employer.*".

Amend sec. 88, page 31, line 23, after "*health insurance*" by inserting: "*for groups of 51 persons or more*".

Amend sec. 88, page 31, line 25, after "*aggregate*" by inserting "*lifetime*".

Amend sec. 88, page 31, line 26, after "*aggregate*" by inserting "*lifetime*".

Amend sec. 88, page 31, line 42, after "*health insurance*" by inserting: "*for groups of 51 persons or more*".

Amend sec. 88, page 32, line 4, by deleting "*lifetime*".

Amend sec. 88, page 32, line 5, by deleting "*lifetime*".

Amend sec. 88, page 32, line 7, by deleting "*lifetime*".

Amend sec. 88, page 32, by deleting line 8 and inserting: "*(c) Includes no annual limit, or different annual limits, on*".

Amend sec. 88, page 32, line 10, by deleting "*lifetime*".

Amend sec. 88, page 32, line 12, by deleting "*lifetime*".

Amend sec. 88, page 32, line 14, by deleting "*lifetime*".

Amend sec. 89, page 33, by deleting line 25 and inserting: "*4. The insurer shall make available to an employer upon request a copy of the disclosure*".

Amend the bill as a whole by adding a new section designated sec. 96.5, following sec. 96, to read as follows:

"Sec. 96.5. *"Bona fide association" has the meaning ascribed to it in section 4.5 of this act.*".

Amend sec. 102, page 36, line 23, before "*"Group*" by inserting "*1.*".

Amend sec. 102, page 36, after line 28, by inserting:

"*2. The term does not include:*

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics; and

(h) Other similar insurance coverage specified in federal regulations adopted pursuant to Public Law 104-191 under which benefits for medical care are secondary or incidental to other insurance benefits.

3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in federal regulations adopted pursuant to Public Law 104-191.

4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and such benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, as that section existed on the effective date of this act;

(b) Coverage supplemental to the coverage provided pursuant to chapter 55 of Title 10, United States Code (Civilian Health and Medical Program of Uniformed Services (CHAMPUS)); and

(c) Similar supplemental coverage provided under a group health plan.".

Amend sec. 104, pages 36 and 37, by deleting lines 40 through 44 on page 36 and lines 1 and 2 on page 37 and inserting:

"Sec. 104. (Deleted by amendment.)".

Amend sec. 107, page 37, line 11, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 110, page 37, by deleting lines 22 through 25 and inserting:

"Sec. 110. (Deleted by amendment.)".

Amend sec. 112, page 37, by deleting lines 28 and 29 and inserting:

"Sec. 112. (Deleted by amendment.)".

Amend sec. 113, page 37, line 31, by deleting "*individuals*" and inserting "*eligible persons*".

Amend sec. 114, page 37, by deleting lines 33 and 34 and inserting:

"Sec. 114. *"Risk-assuming carrier" means a small employer carrier that has elected to act as a risk-assuming carrier.*".

Amend sec. 116, page 37, by deleting lines 37 through 40 and inserting:

"Sec. 116. *"Waiting period" means the period established by a plan of health insurance that must pass before a person who is an eligible participant or beneficiary in a plan is covered for benefits under the terms of the plan.*".

Amend sec. 117, pages 37 and 38, by deleting lines 41 through 43 on page 37 and lines 1 through 11 on page 38, and inserting:

"Sec. 117. *1. For the purposes of this chapter, and except as otherwise provided in*".

Amend sec. 117, page 38, line 12, by deleting "*3.*" and inserting "*2.*".

Amend sec. 117, page 38, line 17, by deleting "*3.*" and inserting "*2.*".

Amend sec. 117, page 38, line 20, by deleting "*4.*" and inserting "*3.*".

Amend sec. 117, page 38, line 23, by deleting "*50* " and inserting "*30* ".

Amend sec. 119, page 38, line 41, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 119, page 38, by deleting lines 43 and 44 and inserting: "*actively engaged in, or directly related to, the bona fide association.*".

Amend sec. 120, page 39, by deleting lines 1 through 4 and inserting:

"Sec. 120. *1. If an employer was not in existence throughout the entire*".

Amend sec. 121, page 39, line 16, by deleting "*offer*" and inserting "*market*".

Amend sec. 121, page 39, line 21, by deleting "*offers*" and inserting "*makes available*".

Amend sec. 125, page 40, by deleting lines 37 through 40 and inserting:

"*service area until the carrier demonstrates to the satisfaction of the commissioner*".

Amend sec. 126, page 41, line 2, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 127, page 41, by deleting line 4 and inserting:

"*permit an employee or a dependent of an employee covered by the health benefit plan who is eligible, but not enrolled, for*".

Amend sec. 128, page 41, line 24, by deleting "*an*" and inserting "*a covered* ".

Amend sec. 129, page 42, line 14, by deleting: "*that elects to operate as*" and inserting: "*shall elect to operate as either*".

Amend sec. 129, page 42, by deleting lines 15 through 17 and inserting:

"*assuming carrier or a reinsuring carrier and shall notify the commissioner of its election.*".

Amend sec. 129, page 42, by deleting lines 22 through 24 and inserting:

"*a carrier to modify its election at any time for good cause shown. The commissioner may waive or modify the period during which the election of a carrier to operate as a risk-*".

Amend sec. 129, page 42, line 29, by deleting: "*applies and is approved* " and inserting: "*elects or is subsequently authorized by the commissioner*".

Amend sec. 130, page 43, by deleting lines 1 through 19 and inserting:

"Sec. 130. *1. The commissioner may suspend the election of a carrier to act as a*".

Amend sec. 130, page 43, line 27, after the semicolon, by inserting "*or*".

Amend sec. 130, page 43, line 29, by deleting: "*NRS 689C.190; or*" and inserting "*NRS 689C.190.*".

Amend sec. 130, page 43, by deleting lines 30 and 31.

Amend sec. 130, page 43, line 32, by deleting "*5.*" and inserting "*2.*".

Amend sec. 131, page 44, line 26, by deleting "*is*" and inserting "*may constitute*".

Amend sec. 131, page 44, after line 32, by inserting:

"*8. Nothing in this section interferes with the right and responsibility of a broker to advise and represent the best interests of a small employer who is seeking health insurance coverage from a small employer carrier.*".

Amend sec. 133, page 44, line 42, by deleting "*January*" and inserting "*July*".

Amend sec. 134, page 45, line 1, by deleting "*A*" and inserting: "*Except as otherwise provided in this subsection, a*".

Amend sec. 134, page 45, after line 9, by inserting: "*The provisions of this subsection do not apply to any health benefit plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum period set forth in this subsection is made by the attending physician of the mother or newborn infant.*".

Amend sec. 134, page 45, line 27, by deleting "*section prohibits*" and inserting: "*section:*

(a) Prohibits".

Amend sec. 134, page 45, after line 33, by inserting:

"*(b) Prohibits an arrangement for payment between a health benefit plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.*

(c) Prevents a health benefit plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.".

Amend sec. 135, page 46, by deleting line 21 and inserting: "*situated person covered by similar coverage on the*".

Amend sec. 137, page 47, line 31, after "*coverage*" by inserting: "*on a form prescribed by the commissioner*".

Amend sec. 150, page 49, line 38, after "*individuals*" by inserting: "*and their dependents*".

Amend sec. 151, page 49, by deleting line 41 and inserting: "*coverage of a bona fide association, for individuals and their*".

Amend sec. 151, page 49, line 43, by deleting "*eligible person*" and inserting "*individual*".

Amend sec. 151, page 50, line 1, by deleting "*professional*" and inserting "*bona fide*".

Amend sec. 152, page 50, line 7, by deleting "*is eligible*" and inserting "*has elected*".

Amend sec. 153, page 50, by deleting lines 9 and 10 and inserting: "*carrier that has elected to act as a risk-assuming carrier.*".

Amend sec. 155, page 50, by deleting lines 13 and 14 and inserting:

"Sec. 155. (Deleted by amendment.)".

Amend sec. 156, page 50, line 16, by deleting "*individuals*" and inserting "*eligible persons*".

Amend sec. 158, page 50, by deleting lines 21 and 22 and inserting: "*that has elected to act as a risk-assuming carrier.*".

Amend sec. 159, page 50, line 24, by deleting "*individuals.*" and inserting "*eligible persons.*".

Amend sec. 161, page 51, by deleting lines 6 through 13 and inserting:

"Sec. 161. (Deleted by amendment.)".

Amend sec. 163, page 51, line 23, by deleting "*180*" and inserting "*120*".

Amend sec. 163, page 51, line 37, by deleting "*180*" and inserting "*120*".

Amend sec. 167, page 54, line 42, after "*of*" by inserting "*initial*".

Amend sec. 170, page 56, line 20, after "*assessments*" by inserting: "*against reinsuring carriers*".

Amend sec. 170, page 56, after line 28, by inserting:

"*6. In determining the amount of net loss pursuant to this section, the board shall include any expenses incurred by the program of reinsurance in providing such reinsurance.*".

Amend sec. 171, pages 56 and 57, by deleting lines 29 through 43 on page 56 and lines 1 and 2 on page 57 and inserting:

"Sec. 171. *1. Any net loss from reinsuring individual eligible persons and their dependents must be recouped by assessments against individual reinsuring carriers.*

2. As part of the plan of operation, the board shall establish a formula pursuant to which assessments may be made against individual reinsuring carriers to recover the net loss. The formula must be based on:

(a) The share of each individual reinsuring carrier of the total premiums earned by all individual reinsuring carriers during the preceding calendar year from existing health benefit plans delivered or issued for delivery to individuals in this state; and

(b) The share of each individual reinsuring carrier of the premiums earned by all individual reinsuring carriers in the preceding calendar year from newly issued health benefit plans delivered or issued for delivery during that year to individuals in this state.

3. An assessment made against an individual reinsuring carrier pursuant to this section must not be less than 50 percent nor more than 150 percent of an amount equal to the proportion of the total premium earned by the individual reinsuring carrier during the preceding calendar year from health benefit plans delivered or issued for delivery to individuals in this state to the total premiums earned by all such carriers in the preceding calendar year for such health benefit plans.

4. The board may, with the approval of the commissioner, change the formula for determining assessments against individual reinsuring carriers established pursuant to this section as necessary. The board may provide that, during any transitional period, the shares of the assessment base attributable to the total premiums and to the premiums of the previous year may vary.

5. Subject to the approval of the commissioner, the board shall adjust the formula for assessing individual reinsuring carriers that are approved health maintenance organizations which are federally qualified under 42 U.S.C. §§ 300 et seq., to the extent that any restrictions are placed on such individual reinsuring carriers that are not imposed on other individual carriers.

6. In determining the amount of net loss pursuant to this section, the board shall include any expenses incurred by the program of reinsurance in providing such reinsurance.".

Amend sec. 173, pages 57 and 58, by deleting lines 27 through 43 on page 57 and lines 1 through 32 on page 58 and inserting:

"Sec. 173. *1. If, in each of 2 consecutive years, the board determines that the amount of the assessment needed exceeds 5 percent of the total premiums earned in the previous calendar year from health benefit plans delivered or issued for delivery to small employers by reinsuring carriers, the program of reinsurance is eligible for additional funding pursuant to this section.*

2. If, in each of 2 consecutive years, the board determines that the amount of the assessment needed exceeds 5 percent of the total premiums earned in the previous calendar year from health benefit plans delivered or

issued for delivery to individuals by individual reinsuring carriers, the program of reinsurance is eligible for additional funding pursuant to this section.

3. To raise such additional funding, the board shall establish a formula pursuant to which additional assessments may be made on all carriers that offer a health benefit plan or provide stop-loss coverage for a health benefit plan which is an employee-sponsored plan or a plan established pursuant to the Labor-Management Relations Act, 1947, as amended. The total additional assessments on all such carriers combined may not exceed one-half of 1 percent of the total premiums earned from all health benefit plans and stop-loss coverage issued in this state in the previous calendar year.".

Amend the bill as a whole by adding new sections designated sections 175.3 and 175.7, following sec. 175, to read as follows:

"Sec. 175.3. *1. The board shall issue to each insurer paying an assessment under this chapter a certificate of contribution, in a form prescribed by the commissioner, for the amount so paid. All outstanding certificates are of equal dignity and priority without reference to the amounts or dates of issue. A member insurer may show a certificate of contribution as an asset in its financial statement in such form, for such amount, if any, and for such period as the commissioner may approve.*

2. A carrier may offset against its liability for premium tax to this state, accrued with respect to business transacted in a calendar year, an amount equal to 20 percent of the amount certified pursuant to subsection 1 in each of the 5 calendar years following the year in which the assessment was paid. If an insurer ceases to transact business, it may offset all uncredited assessments against its liability for premium tax for the year in which it ceases to transact business.

Sec. 175.7. *Subject to the approval of the commissioner, the board shall adjust the formula for assessing carriers that are approved health maintenance organizations which are federally qualified under 42 U.S.C. §§ 300 et seq., to the extent that any restrictions are placed on such carriers that are not imposed on other carriers* ".

Amend sec. 180, page 61, line 6, by deleting "*180*" and inserting "*120*".

Amend sec. 184, pages 61 and 62, by deleting lines 42 through 44 on page 61 and lines 1 through 15 on page 62 and inserting:

"Sec. 184. (Deleted by amendment.)".

Amend sec. 186, page 63, by deleting lines 29 through 33 and inserting: "*entity* actively engaged in a business [which, on at least one-half of its working days during the preceding year, employed no fewer than 2 and no more than 25 employees, which] *:*

(a) Which, with respect to a calendar year and a plan year, employed on business days during the preceding calendar year an average of at least 2, but not more than 50 employees, a majority of whom are residents of this

state, who have a normal work week of 30 hours or more, and which employs at least 2 employees on the first day of the plan year;".

Amend sec. 188, page 64, by deleting lines 18 through 22 and inserting "employer's group.".

Amend sec. 188, page 64, line 26, by deleting: "met . [," and inserting "met,".

Amend sec. 188, page 64, line 28, by deleting the closed bracket.

Amend sec. 189, page 64, line 40, by deleting "group . [," and inserting "group,".

Amend sec. 189, page 64, line 44, by deleting the closed bracket.

Amend sec. 190, page 65, by deleting lines 27 through 29 and inserting: "shall not deny, exclude or limit a [covered] benefit for a preexisting condition:

(a) For more than [6] *12* months after the effective date of coverage if the".

Amend sec. 190, page 65, by deleting lines 41 and 42 and inserting: "*first day of the waiting period for such enrollment, whichever is earlier; or*

(b) For more than 18 months after the effective date of coverage for a late enrollee.

A carrier may not define a preexisting condition in its health benefit plan more".

Amend sec. 190, page 66, line 5, by deleting "*90*" and inserting "*63*".

Amend sec. 190, page 66, line 8, after the semicolon, by inserting "*or*".

Amend sec. 190, page 66, by deleting lines 11 through 18 and inserting: "health benefit plan.".

Amend sec. 190, page 68, line 21, after "*enrollment*" by inserting: "*, subject to any waiting period,*".

Amend the bill as a whole by adding new sections designated sections 191.3 and 191.5, following sec. 191, to read as follows:

"Sec. 191.3. NRS 689C.210 is hereby amended to read as follows:

689C.210 1. Except as otherwise provided in subsection 3, a carrier shall not increase the premium rate charged to a small employer for a new rating period by a percentage greater than the sum of:

(a) The percentage of change in the premium rate for new business for the policy under which the small employer is covered, measured from the first day of the previous rating period to the first day of the new rating period;

(b) An adjustment, not to exceed 15 percent annually, adjusted pro rata for rating periods of less than 1 year, on account of the claim experience, health status, or duration of coverage of the employees or dependents of the small employer as determined from the carrier's rate manual for the class of business; and

(c) Any adjustment on account of change in coverage or change in the characteristics of the small employer as determined from the carrier's rate manual for the class of business.

2. If the carrier no longer issues new policies for that class of business, the carrier shall use the percentage of change in the premium rate for new business for the class of business which is most similar to the closed class of business and for which the carrier is issuing new policies.

3. In the case of health benefit plans delivered or issued for delivery before January 1, 1996, *for groups with no fewer than 2 and no more than 25 employees, or before July 1, 1997, for groups with no fewer than 26 and no more than 50 employees,* a premium rate for a rating period may exceed the ranges set forth in paragraphs (a) and (b) of subsection 1 for a period of 3 years following that date. In that case, the percentage of increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of:

(a) The percentage of change in the premium rate for new business measured from the first day of the previous rating period to the first day of the new rating period. In the case of a health benefit plan into which the carrier is no longer enrolling new small employers, the carrier shall use the percentage of change in the base premium rate if that change does not exceed, on a percentage basis, the change in the premium rate for new business for the most similar health benefit plan into which the carrier is actively enrolling new small employers.

(b) Any adjustment on account of change in coverage or change in the characteristics of the small employer as determined from the carrier's rate manual for the class of business.

[4. As used in this section, "premium rate for new business" means, for each class of business as to a rating period, the lowest premium rate charged or offered or which could have been charged or offered by the carrier to small employers with similar characteristics for newly issued health benefit plans with the same or similar coverage.]

Sec. 191.5. NRS 689C.230 is hereby amended to read as follows:

689C.230 1. The index rate for a rating period for any class of business may not exceed the index rate for any other class of business by more than 20 percent.

2. For a class of business, the premium rates charged during a rating period to small employers with similar characteristics for the same or similar coverage, or the rates that could be charged to such employers under the rating system for that class of business, may not vary *, because of health status-related factors,* from the index rate by more than [25] *30* percent.

3. As used in this section:

(a) "Base premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or that could have been charged

under a rating system for that class of business by the carrier to small employers with similar characteristics for health benefit plans subject to regulation by the commissioner.

(b) "Index rate" means, for each class of business as to a rating period for small employers with similar characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.".

Amend sec. 192, page 69, line 15, by deleting the brackets.

Amend sec. 192, page 69, by deleting lines 16 through 18 and inserting:

"(f) Any other information that the commissioner finds necessary to".

Amend sec. 192, page 69, after line 27, by inserting:

"*4. The carrier shall make available to a small employer upon request a copy of the disclosure approved by the commissioner pursuant to this section for policies of health insurance for which that employer may be eligible.*".

Amend sec. 193, page 71, line 3, by deleting "*professional* " and inserting "*bona fide*".

Amend sec. 197, page 72, line 39, by deleting "group . [," and inserting "group,".

Amend sec. 197, page 72, line 43, by deleting the closed bracket.

Amend sec. 198, page 74, line 29, by deleting "*professional* " and inserting "*bona fide*".

Amend the bill as a whole by adding a new section designated sec. 221.5, following sec. 221, to read as follows:

"Sec. 221.5. Section 42 of Assembly Bill No. 156 of this session is hereby amended to read as follows:

Sec. 42. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679B.158 and 680B.025 to 680B.060, inclusive, and subsections 2, 4, 18, 19 and 32 of NRS 680B.010 *and sections 2 to 27, inclusive, of this act* apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization." ".

Amend sec. 228, page 86, by deleting line 4 and inserting:

"Sec. 228. 1. This section and sections 1 to 87, inclusive, and 89 to 227, inclusive, of this act become effective upon passage and approval.

2. Section 88 of this act becomes effective on January 1, 1998, and expires by limitation on September 30, 2001.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Assemblywoman Buckley moved that Assembly Bill No. 521 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 523.

Bill read second time and ordered to third reading.

Assembly Bill No. 560.

Bill read second time and ordered to third reading.

Assembly Bill No. 563.

Bill read second time and ordered to third reading.

Senate Bill No. 6.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 103 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 635.

Amend section 1, page 1, by deleting line 15 and inserting:

"*(a) The rental agreement contains a statement advising the occupant to purchase insurance for his personal property stored in the facility and informing him that such insurance is available through most insurers;*

(b) The provision and the statement are:".

Amend section 1, page 2, line 3, by deleting "*(b)*" and inserting "*(c)*".

Amend the title of the bill, third line, after "manner;" by inserting: "requiring such rental agreements to contain a statement advising the occupant to purchase insurance for his personal property;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning provisions in rental agreements for facilities for storage. (BDR 9-1171)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 565.

Amend section 1, page 1, by deleting line 19 and inserting:

"*(b) The local law enforcement agency of the city or county in which the conviction was entered.*".

Amend sec. 2, page 2, line 33 after "*2.*" by inserting: "*A petition filed pursuant to this section must be accompanied by a current, certified record of the criminal history of the petitioner received from the local law enforcement agency of the city or county in which the petitioner appeared in court.*

3.".

Amend sec. 2, page 2, line 41, by deleting "3." and inserting "[3.] *4.*".

Amend the title of the bill, by deleting the third and fourth lines and inserting: "records to include a current, certified record of his criminal history from certain local law enforcement agencies; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 358.

Bill read second time and ordered to third reading.

Senate Bill No. 359.

Bill read second time and ordered to third reading.

Senate Bill No. 369.

Bill read second time and ordered to third reading.

Senate Bill No. 370.

Bill read second time and ordered to third reading.

Senate Bill No. 407.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 137:

YEAS — 41.

NAYS — None.

Absent — Williams.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 343.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 547.

Amend the bill as a whole by renumbering sec. 8 as sec. 10 and adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

"Sec. 8. 1. There is hereby appropriated from the state general fund to the supreme court of Nevada the sum of $451,153 for the fiscal year 1998-99 for payment of salaries and costs related to the addition of two new justices to the court pursuant to this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 9. 1. Sections 1 to 7, inclusive, of this act, expire by limitation on the date on which the qualified electors of this state approve a constitutional amendment that establishes an intermediate court of appeals within the State of Nevada.

2. Notwithstanding the provisions of subsection 1, the additional justices whose positions are abolished by the establishment of an intermediate court of appeals must be permitted to serve the remainder of the terms to which they were elected. At the end of those terms, the positions of the additional

justices must be abolished, along with the positions of any staff hired directly to support the additional justices.".

Amend sec. 8, page 5, line 3, by deleting "7," and inserting "9,".

Amend the title of the bill, third line, after "panels;" by inserting: "providing for the abolishment of the positions of the additional justices in certain circumstances; making an appropriation;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 520.

Bill read third time.

Remarks by Assemblymen Close and Collins.

Roll call on Assembly Bill No. 520:

YEAS — 42.

NAYS — None.

Assembly Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 12:21 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 536.

Bill read third time.

Remarks by Assemblymen Price, Lambert, Goldwater, Dini, Carpenter, Anderson, Mortenson, Bache, Freeman and Ernaut.

Assemblymen Ernaut, Hettrick and Lambert moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 536.

Roll call on Assembly Bill No. 536:

YEAS — 15.

NAYS —Amodei, Anderson, Bache, Berman, Braunlin, Carpenter, Cegavske, Close, Collins, de Braga, Freeman, Giunchigliani, Gustavson, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Neighbors, Nolan, Ohrenschall, Parks, Segerblom, Von Tobel, Williams—27.

Assembly Bill No. 536 having failed to receive a constitutional majority, Madam Speaker pro Tempore declared it lost.

Assembly Bill No. 550.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 550:

YEAS — 42.

NAYS — None.

Assembly Bill No. 550 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 556.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 556:

YEAS — 42.

NAYS — None.

Assembly Bill No. 556 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:41 p.m.

ASSEMBLY IN SESSION

At 12:42 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblymen Amodei, Hickey, Evans, Bache, de Braga and Parks.

Roll call on Assembly Bill No. 289:

YEAS — 38.

NAYS — Evans, Gustavson, Hettrick, Krenzer—4.

Assembly Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Assembly Bill No. 361:

YEAS — 42.

NAYS — None.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 478:

YEAS — 42.

NAYS — None.

Assembly Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 630.

Amend section 1, page 1, line 7, by deleting "*property,*" and inserting: "*property or any other property for which the monthly rent exceeds $1,000,*".

Amend section 1, page 1, line 15, after "*shall pay*" by inserting: "*to the landlord*".

Amend section 1, pages 1 and 2, by deleting lines 20 through 22 on page 1 and lines 1 and 2 on page 2.

Assemblywoman Buckley moved the adoption of the amendment.
Remarks by Assemblywoman Buckley.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 512.
Bill read third time.
Remarks by Assemblymen Lee, Perkins and Close.
Roll call on Assembly Bill No. 512:
YEAS — 41.
NAYS — Close.
Assembly Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:59 p.m.

ASSEMBLY IN SESSION

At 1:19 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 517.
Bill read third time.
Remarks by Assemblymen Freeman, Lee, Collins and Giunchigliani.
Roll call on Assembly Bill No. 517:
YEAS — 42.
NAYS — None.
Assembly Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 524.
Bill read third time.
Remarks by Assemblymen Evans and Close.
Roll call on Assembly Bill No. 524:
YEAS — 42.
NAYS — None.

Assembly Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 526:

YEAS — 39.

NAYS — Hickey.

Not voting — Lambert, Sandoval—2.

Assembly Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 44.

Bill read third time.

Remarks by Assemblyman Hickey.

Roll call on Senate Bill No. 44:

YEAS — 41.

NAYS — Lambert.

Senate Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 80.

Bill read third time.

Remarks by Assemblymen Anderson and Freeman.

Roll call on Senate Bill No. 80:

YEAS — 42.

NAYS — None.

Senate Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 245.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 245:

YEAS — 42.

NAYS — None.

Senate Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 338:

YEAS — 42.

NAYS — None.

Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 380.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 380:

YEAS — 42.

NAYS — None.

Senate Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Williams, Cegavske, Gustavson, Collins, Chowning, Koivisto, Manendo, Ohrenschall, Von Tobel, Hickey and de Braga:

Assembly Concurrent Resolution No. 44—Directing the Legislative Commission to conduct an interim study of the various needs of pupils in the public schools in this state.

Assemblyman Williams moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Williams, Cegavske, Gustavson, Collins, Chowning, Koivisto, Manendo, Ohrenschall, Von Tobel, Hickey and de Braga:

Assembly Concurrent Resolution No. 45—Urging the board of trustees of each county school district to develop and adopt standards for disciplining pupils who are enrolled in the public schools within the school district.

Assemblyman Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Segerblom, Williams, Herrera, Koivisto, Manendo, Berman, Collins, Ohrenschall, Arberry, Giunchigliani, Goldwater, Parks, Mortenson, Lee, Freeman, Chowning, Neighbors, de Braga, Buckley, Lambert, Bache, Evans and Price:

Assembly Bill No. 603—An Act relating to state agencies; requiring the chief of the purchasing division of the department of administration to give a preference of 5 percent to a commercial printing establishment located in this state under certain circumstances; requiring the University and Community College System of Nevada to obtain printed material or printing services through the chief of the purchasing division under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 604—An Act relating to districts for the control of floods; removing the authorization for certain counties to levy and collect a sales and use tax to provide revenue for the support of such a district; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 605—An Act relating to the City of Las Vegas; amending its charter with respect to the municipal court; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 536 was this day refused passage.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 336.

The following Senate amendment was read:

Amendment No. 471.

Amend sec. 3, page 2, by deleting lines 6 through 10 and inserting: "allow a minor to view or have access [for examination] *to examine* any picture, photograph, drawing, sculpture, motion picture [film, or similar] , *computer program, device for the storage or transmission of computer data, video game or other similar material that:*

(a) Contains a visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse [and is] *; and*

(b) Is harmful to minors.".

Amend sec. 3, page 2, by deleting lines 14 through 18 and inserting: "magazine, printed matter, however reproduced, [or] sound recording, with or without music, [which contains any matter enumerated] *computer program, device for the storage or transmission of computer data, video game or other similar material that:*

(a) Contains a visual representation or image described in subsection 1 [,] or *any* explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse [, which is] *; and*

(b) Is harmful to minors.".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. The amendatory provisions of this act do not apply to offenses that are committed before October 1, 1997.".

Amend the title of the bill, third line, after "minor;" by inserting: "prohibiting certain activities concerning the exhibition, sale or rental of certain computer programs and video games containing obscene material to a minor;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes to provisions concerning exhibition, sale or rental of obscene material to minors. (BDR 15-1031)".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 336.

Remarks by Assemblyman Anderson.

Motion carried.

Bill transmitted to the Senate.

Assembly Bill No. 274.

The following Senate amendment was read:

Amendment No. 482.

Amend sec. 7, page 2, line 30, after "person" by inserting: ", *with the intent to defraud,*".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 274.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered enrolled.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that Assemblyman Williams' remarks be entered in the Journal.

Mr. Speaker, I want to apologize to you for not being here when we went back to General File after the recess. When I walked down to the Senate during our break, I was astonished and shocked to hear a discussion on the Senate floor regarding a newspaper article that appeared in today's paper concerning a school board meeting that took place in Clark County last night.

Last night, my colleague from Assembly District 5 and I went down to address the Clark County School Board in a manner that was intended to be informative. We did not intend to sway the board on any position or any bill that the legislature is considering. However, we felt that the best interests of education and the children of this state made it imperative that we go down and at least give the school board the parameters of two issues, school discipline and Senate Bill No. 220, the charter school bill.

When I got up last night to make my presentation, the first thing I said to the board was that I would not give my personal philosophy, beliefs or feelings about the bill and that we would not ask them to take a position on the bill. However, after talking and discussing some items that they thought were of concern, they asked us questions about the bill; subsequently, the board took action on charter schools in reference to their support. The board voted 7-0 opposing charter schools.

Throughout the presentation, at least four times I mentioned that our appearance was not a request for a position, even though the board ultimately did take a position. However, when I walked into the Senate Chamber today, that article was being discussed, and I was shocked to learn that members of the Senate were admonishing our actions of the previous night—specifically, my actions in addressing the Clark County School Board.

I was very disappointed by the lack of understanding of the legislative process displayed by some of the senators who spoke today. However, the immature attitude displayed by my Senate colleague from District 2 does not delay, disrupt, or discourage my will and intent to be calculated and academic in my deliberations on educational issues.

Mr. Speaker, the confidence that you have shown in appointing me to chair the Committee on Education for this House will not be compromised, nor will that confidence be reduced because somebody down the hall is operating under a cloud of political suspicion. In this state, there are small, large, urban and rural schools. We should have one goal in mind for all of these schools, regardless of where they are located—be it north, south, or the rurals. We should have one particular goal in mind, and that is to do our best to enact laws that further the best interests of the children of this state. Does this mean missing a grant deadline and passing a bad bill? Or does this mean passing a better bill and doing better things for the children of our state?

I would suggest to my colleagues down the hall that everything political may not be right, but everything right will someday be political. It is unfortunate that they've chosen to admonish our efforts to obtain information so that we can come up with the best and most solid decision for this particular issue.

From the beginning of this session, we've seen many educational issues surface to the point that the governor of our state has proclaimed this the "education session." All of us know that a chairperson has the right, whether we agree with it or not, to put a bill in the drawer and not even have a hearing on it. It has been the philosophy of your Committee on Education this

session, that education is so important to this state that we're going to listen to every single proposal that comes before us, whether we believe in it or not. We cannot afford to put education bills in our drawer; the crisis and turmoil in our schools are so great that we need to listen to every issue. We will maintain that philosophy throughout the remainder of the session.

It is unfortunate, and again, disappointing, that a Senator would stand up and take that position. Whether school districts throughout the state oppose this bill or not has nothing to do with whether our Committee on Education will hear the bill and give it its full attention. Mr. Speaker, we still plan to do that and my message to those down the hall is this: We will continue to function in a manner that puts the best interests of children in the State of Nevada first.

I've been under a lot of pressure to hear this bill and pass it because of a June 30 deadline for a grant proposal for charter schools. For some time, we've been sitting with an unused million-dollar grant for breast and cervical cancer because we don't have the tools and equipment to go out into the rural areas. Does that mean we rush to do things because grant money is laying around or grant money can probably be obtained? I don't think so. Not in this committee. We will continue to function in the best interests of the children of Nevada, and I hope that this message is extremely clear.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Katherine Evans and Rob Evans.

Assemblyman Perkins moved that the Assembly adjourn until Monday, June 16, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 2:02 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-EIGHTH DAY

CARSON CITY (Monday), June 16, 1997

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Dr. Ken Haskins.

Our loving Heavenly Father, You have given to us a magnificent and beautiful day. We are reminded that every good and perfect gift comes from You. We beseech You to provide for us every gift, talent and ability necessary to perform well the important tasks set before us this day. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 294, 485, 497; Senate Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which were referred Assembly Bill No. 416; Senate Bill No. 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 265, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 546, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bill No. 165; Senate Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 217, 218; Senate Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 13, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 422.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 11.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 23.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 156, 367, 398.

Also, I have the honor to inform your honorable body that the Senate on this day passed, Senate Bills Nos. 401, 431, 440.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Porter, McGinness and Titus as a first Committee on Conference concerning Senate Bill No. 128.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Washington and Adler as a first Committee on Conference concerning Senate Joint Resolution No. 14.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 16, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 51.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Concurrent Resolution No. 11 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Manendo moved that the vote whereby Assembly Bill No. 536 was refused passage be reconsidered.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 11—Memorializing former Speaker of the Assembly and Mayor of the City of Sparks, Chester S. "Chet" Christensen.

WHEREAS, On March 2, 1997, the State of Nevada was saddened by the passing of Chester S. Christensen, a man whose service in state government spanned four decades; and

WHEREAS, Chet Christensen was born in April of 1916 to James and Mary Estella Rawson of Ogden, Utah; and

WHEREAS, After attending Weber College on a music scholarship, Chet Christensen moved to northern Nevada where he was a member of the Reno Lions Club Quartet, performed as a singer in nightclubs and on radio, worked as a fireman for the Southern Pacific Railroad out of Sparks and was a member of the Brotherhood of Locomotive Firemen and Engineers, Truckee Lodge 19; and

WHEREAS, Chet Christensen became Assemblyman Christensen in 1949, serving seven terms, including one term, 1955, as Speaker Pro Tempore and two terms, 1959 and 1961, as Speaker of the Assembly, and retiring on June 12, 1963, to take up the post of Mayor of the City of Sparks, whose residents knew him as the "Singing Mayor"; and

WHEREAS, During his time as an Assemblyman and Mayor, Chet Christensen's leadership was exemplified through legislation to regulate the gaming industry and to establish Nevada's program for aid to dependent children, as well as the creation of the first office of city manager in the State of Nevada and a wide array of other positive legacies for the residents of this state; and

WHEREAS, In 1975, friends and colleagues within the Nevada Legislature welcomed back Assemblyman Christensen for an eighth term of service in the Assembly; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the State of Nevada grieves the passing of Chester S. Christensen and expresses its gratitude for his many years of service; and be it further

RESOLVED, That the State of Nevada extends its sincere condolence to the Christensen family on the loss of both Chet and Odessa Christensen, who preceded Chet in passing by merely 2 weeks; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Richard and Jim Christensen, the surviving sons of Chet and Odessa.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Dini and Price.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Chet Christensen and his wife always opened their home to the people of our community and clearly showed how much they cared about us. My mother told the story of when she first moved to Sparks of going into Reno and listening to Chet sing at the Townhouse where he played at the piano bar.

When I was a young lad growing up in Sparks, Chet Christensen was working with my father on the railroad and was someone that I had the opportunity to speak with. When he became the mayor of the City of Sparks, he served as a role model to people of how someone in public service should behave.

When I decided to run for public office, I would walk my district and come to their home and would always know that I would be received warmly and hospitably. Chet told me there were two principal ideas that assemblymen should keep in mind when the bills became dreadfully long and overly complicated; first, to recognize who would be hurt if we passed this legislation, and second, who would financially move ahead if we passed this legislation. He said that sometimes legislation becomes difficult to deal with, but if you kept those two things in mind, you always made the right choice. Knowing those two things are essential to being a good legislator.

Chet Christensen was the kind of person who wanted to make sure his community was warm. He loved music more than the railroad. He loved life, and he lived it to its fullest. He was a deeply committed religious man and followed the Church of Jesus Christ of Latter Day Saints. I know he always looked on that as his primary source of power and strength. In honoring Chet Christensen with this resolution, I think we recognize the best among the best of the people in our society. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN DINI:

Madam Speaker pro Tempore, members of the Assembly. I had the distinct honor of serving with Chet in the 1975 session. He had been in the legislature in the late 1950s, early 1960s, and had made quite a reputation for himself. He was a very dedicated legislator. He was very strong for the working man. He was a railroader and on this floor stood up and expressed his views concerning the working men and women in this state. The fact is I was the Majority Leader, I think in 1975, and Chet knew a lot about operating procedures. In fact, he guided me quite a bit in my performance of my duties. He came from the old school when a man's word was his word. I really enjoyed serving with Chet. Unfortunately, he decided not to come back; he just came back for one session.

He was certainly helpful in these chambers. On Saint Patrick's Day, he sang some awfully nice songs right on the floor. We have some fond memories of him, and we extend our sympathies to the family. I know it has been a tough year for you. Please accept our sympathy and deepest desire for you to continue to have your happy families. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I, too, had the pleasure and the honor of serving with Chet. In 1975 when I first started, Chet was here and would sing those beautiful songs. To some degree, Chet was responsible for me learning about Nevada outside of Las Vegas. Chet

was supported very strongly by labor, and most of you know that I came from a union into this position. That year, Chet was vying to become Speaker of the Assembly. The unions were supporting him, and so I supported Chet. Chet was not appointed, but as a result, I was appointed to the Agriculture Committee, which was a very important committee to North Las Vegas, and I had an opportunity to travel around the state and learn about our state's rural areas.

Chet was a wonderful legislator, a fine person, and I am sorry he is not with us any longer, but I am so happy that we are remembering him as he should be remembered.

ASSEMBLYMAN ANDERSON:

On behalf of the Assembly, I would like to present Chet's two sons, Richard and Jim, who are here with me today, and their wives, Linda and Linda, the resolution. We thank you and feel with you a great loss to the people of the State of Nevada. If you will please recognize the Christensens.

Resolution adopted.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 11 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 51.

Assemblyman Amodei moved the adoption of the resolution.

Remarks by Assemblymen Amodei, Ernaut, Anderson, Dini, Marvel, Krenzer, Segerblom and Carpenter.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN AMODEI:

Thank you, Madam Speaker pro Tempore. It is a pleasure for me to rise in support of this resolution today. Miss Guild, as she was first known to a member of my family, which was my mother, was my mother's first-grade teacher in the Gold Hill School. To let you know that some things don't change, my mother had her as a teacher because they needed one more student to keep the school open; they were playing with the distributive school account even then. As I grew up, my mom began to clue me in on what was going on here and I met some of her Marjorie's sons, who we'll talk about a little bit later. Mom had nothing but glowing things to say about the then-Miss Guild before she hooked up with that nefarious newspaper guy from Ely who finally got her squared away and brought her back to Carson for the rest of her life. I hope that you support the resolution.

ASSEMBLYMAN ERNAUT:

Thank you, Madam Speaker pro Tempore. I stand in support of SCR 51. I had the occasion to meet Marjorie during my first campaign. Only about 15 percent of my district is in Carson City. Although I'd been here quite a long time, I was pretty unfamiliar with the inner workings and the ancestral web of Carson City; as a community, it is very close knit. A very sage piece of advice was given to me and that was to go see Marjorie Russell. I called her a couple of weeks in advance, and I went over on a Saturday. She had this beautiful porch in the back of her house. She was attending to her rose bushes and had a big glass of ice tea. She "kicked the tires on me" for about two hours before I passed the muster of her being able to say that she supported me. That always meant a lot to me. She was one of the nicest people around. I would check in with her and give her a call now and again to update her on my progress. She was a truly beautiful soul; never had a bad thing to say about anybody; and I certainly think she'll be missed. I know I miss her personally.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of the resolution. Although I'm more familiar with her sons, since we went to college together, I am mindful of making a presentation to a group of elementary students several years ago on the inner workings of the electoral college. A young lady approached me, I believe David's daughter, and indicated that she was a Russell, and asked if I knew her grandmother. I recognized that the grandchild, although impressed by having a governor in the family, really knew that the power rested with the grandmother. That was what the young lady was more concerned about; so clearly, if the grandchild knows where the real power is, this resolution clearly speaks to it too.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I certainly want to rise in support of the resolution. I guess my association with the Guild family is from a long, long time ago. In fact, my son still owns the house that Judge Guild had in Yerington, so this is a rather historical moment. I knew Mrs. Russell casually. Most of my knowledge has been with Clark Guild, Jr., who has been around these halls for many, many years.

Mrs. Russell needs to be remembered for her efforts in the State Museum. We would not have the State Museum here in Carson City had it not been for her hard work. She served 22 years on the board of trustees of the Museum. I must commend the fine family that she raised; they're all outstanding people, and we're very proud of that name. Her husband, Governor Russell, was a fine, down-to-earth man. I remember him coming to Yerington when he was governor to give the trophies at the hard-top races one afternoon—my car won, of course. He took the day off and came out there and presented trophies.

We are proud of the heritage and the memories that the Guild family and the Russell family bring to all of us. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of SCR 51. When you get to be one of the oldtimers, even older than Speaker Dini, I think you've known the Russell and the Guild families practically all of your life. There have been many, many pleasant associations, but what you can say about the mother and the aunt of these fine young gentlemen back there is that she was a gracious lady and a most gracious First Lady, and I think we all owe a debt of gratitude to both the Guild families and the Russell families for all they have done, what they are doing now, and I'm sure, what their progeny will do in the future.

ASSEMBLYWOMAN KRENZER:

Thank you, Madam Speaker pro Tempore. In my family history, the Guild family also plays a role. In 1924, my grandmother had a birthday party for my Uncle Ray, and the Guild home was kitty-corner to our home. She spoke often of the beautiful Guild children and what a fine family and what a beautiful mother Marjorie's mother was and her father, Judge Guild, and what an honor it was for our family to have them at my uncle's birthday party. I rise in support of SCR 51 in memory of a fine, beautiful woman and a great family.

ASSEMBLYWOMAN SEGERBLOM:

Thank you, Madam Speaker pro Tempore. My father and Judge Guild were great friends and belonged to the same lodge and spent a lot of time touring this area taking part in that lodge. My father memorized every position in the lodge in case anyone was absent, and they had a great time. Marjorie was a wonderful person. I served on the Nevada Museum Board with her before I was elected. Of course, I went to college with her brother, and I know her nephew Joe very well. Wonderful family, the Russells and the Guilds. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker pro Tempore. I stand in support of SCR 51. As the resolution mentions, the Russell family represented White Pine County for many years. I remember when I was growing up in White Pine County, my uncles always spoke very highly of the Russell family and how well White Pine County was represented in the Assembly and the Senate.

After the "family" became governor, I think it's all right to say that rural Nevada was always very well represented by the Russell family, and I just want to add my support to the resolution.

ASSEMBLYMAN AMODEI:

In true Russell fashion, they've already been over to the Senate to get the actual resolution, taking care of business that way. Let me introduce the folks here from the family. First, Marjorie Russell's nephew, who you all know as the crusader for truth and justice in county formation in Nevada, Mr. Joe Guild. Next, if I might, Madam Speaker pro Tempore, if you'll look through the resolution you'll see that there were five Russell children. I think probably the two best are the ones who got the heck away from the three that are here with me today. Virginia and Craig went to Dallas and New York, which is probably far enough away, because with me I have the icon of understanding for wanna-be political types in Carson. The oldest son, Clark, is the one who coined a famous phrase when I decided to run for public office. When we were at a dinner one night he said, "I didn't ask you to run and I'm not giving you any money." Next to him is David, one of the twins who will always have a soft spot in my heart because even though he golfs right handed, he makes me look like a good left-handed golfer. Last, but not least is, I hope not one of my former law partners, but one of my present law partners, Todd, who I believe set the record for worst driving record by a child of the governor while Governor Russell was in office. Would you please make them all welcome.

Resolution adopted.

By the Committee on Taxation:

Assembly Concurrent Resolution No. 46—Acknowledging the 782nd anniversary of the Magna Carta.

WHEREAS, On June 15, 1215, King John of England, after meeting with his barons to discuss their grievances, was compelled to accept the Magna Carta at Runnymede Meadow beside the Thames River, 20 miles southwest of London, to avoid a civil war; and

WHEREAS, The principles set forth in the Magna Carta are widely recognized as the source of the Anglo-American tradition of law and have had a profound influence on rights and freedoms in Great Britain, the United States and much of the rest of the world; and

WHEREAS, In 1957, the American Bar Association dedicated the first memorial at Runnymede in recognition of the broad importance of the Magna Carta; and

WHEREAS, In 1965, Queen Elizabeth dedicated a memorial to President John F. Kennedy on 3 acres of land at Runnymede, which she bestowed upon the people of the United States; and

WHEREAS, The governments of the United States and the State of Nevada were founded upon the principles of the Magna Carta, the great charter of English and American liberty; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby acknowledges the 782nd anniversary of the Magna Carta this 15th day of June 1997.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price and Goldwater.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you. As those of you who have been here a few years will recall, we take the occasion when we have been in session this long to recognize the anniversary of the Magna Carta, which, of course, was kind of the beginning of democracy as we know it and as it has developed today. While yesterday was actually the 782nd anniversary of the signing of that document, we are here today, and I hope we'll recognize its importance after these many years.

ASSEMBLYMAN GOLDWATER:

Thank you, Madam Speaker pro Tempore. I rise in very strong support of ACR 46. I think the 782nd anniversary of anything is important.

Resolution adopted.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 606—An Act making appropriations to the University and Community College System of Nevada for the improvement of education through interactive computer programs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 607—An Act relating to the division of child and family services of the department of human resources; creating certain revolving accounts for the use of the division; providing for the use of the money in the revolving accounts; merging certain gift accounts in the department of human resources' gift fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 608—An Act relating to metropolitan police departments; providing for the representation of an employee of a metropolitan police department by an attorney or a full-time employee of an employee organization before the civil service board of the department; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 609—An Act relating to industrial insurance; providing for the electronic transmission of documents related to claims; clarifying the authority of insurers to purchase annuities for the payment of claims; authorizing the manager of the state industrial insurance system to establish a plan for classifying small employers for the purposes of establishing their premiums; revising the provisions governing the financial administration of the system; repealing the provisions authorizing the imposition of a surcharge to ensure the solvency of the system; restricting, for a limited period, the manner in which private carriers may determine premiums for insured employers; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblyman Price (by request):

Assembly Bill No. 610—An Act relating to gaming; providing in skeleton form for a royalty on wagering on collegiate sporting events involving collegiate institutions within and outside of Nevada; creating the endowment fund for higher education; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 611—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to impose the tax on sales by local governments and local governmental agencies; imposing analogous taxes on such sales; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 156.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 367.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 398.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that for the balance of the session, the reading of the history on Senate bills and resolutions on the Introduction and First Reading File be dispensed with.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 401.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 431.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 440.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 47, 343, 354, 470, 484, 500; Senate Bills Nos. 247, 258 be placed on the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 242 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 652.

Amend sec. 3, pages 1 and 2, by deleting lines 5 through 17 on page 1 and lines 1 through 3 on page 2 and inserting: "*State of Nevada, the department shall contract only with a health maintenance organization that has:*

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization; or

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid.

Nothing in this section shall be construed as exempting a federally-qualified health center or the University Medical Center of Southern Nevada from the requirements for contracting with the health maintenance organization.".

Amend sec. 3, page 2, line 4, by deleting "*4.*" and inserting "*2.*"

Amend sec. 31, page 16, line 35, by deleting "liens," and inserting "liens and".

Amend sec. 31, page 17, line 9, by deleting "$1,000" and inserting "$2,500".

Amend sec. 39, page 22, by deleting line 21 and inserting:

"Sec. 39. 1. This act becomes effective on July 1, 1997.

2. Section 31 of this act becomes effective at 12:01 a.m. on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to state welfare administration; requiring the department of human resources to contract only with certain health maintenance organizations to provide Medicaid managed care; making a technical change replacing the term "assistance to the medically indigent" with "Medicaid" to make the references to Medicaid consistent throughout the Nevada Revised Statutes; and providing other matters properly relating thereto.".

Assemblyman Herrera moved the adoption of the amendment.

Remarks by Assemblyman Herrera.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 184.

Bill read second time.

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

Amendment No. 597.

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

"Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The employer of a police officer or fireman may establish a program that allows a police officer or fireman whom it employs who has suffered a catastrophe resulting in temporary total disability, to elect to continue to receive his normal salary for a period of not more than 1 year in lieu of receiving the compensation for the industrial injury or occupational disease for which he is eligible pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, unless the police officer or fireman has made an election pursuant to NRS 281.390.

2. A program established pursuant to subsection 1:

(a) Must prescribe the conditions pursuant to which a police officer or fireman is eligible to receive his normal salary in accordance with an election pursuant to subsection 1; and

(b) May allow a police officer or fireman to return to light-duty employment or employment modified according to his physical restrictions or limitations and receive his normal salary during the period of his election pursuant to subsection 1.

3. Unless the employer is self-insured or a member of an association of self-insured public or private employers, the employer shall notify the insurer that provides industrial insurance for that employer of the election by a police officer or fireman pursuant to subsection 1. When the police officer or fireman is no longer eligible to receive his normal salary pursuant to such an election, the employer shall notify the insurer so that the insurer may begin paying to the police officer or fireman the benefits, if any, for industrial insurance for which the police officer or fireman is eligible. If the employer is self-insured or a member of an association of self-insured public or private employers and the police officer or fireman is no longer eligible to receive his normal salary in accordance with an election pursuant to subsection 1, the employer shall begin paying the benefits, if any, for industrial insurance for which the police officer or fireman is entitled.

4. During the period in which the police officer or fireman elects to receive his normal salary pursuant to subsection 1, he accrues sick leave, annual leave and retirement benefits at the same rate at which he accrued such leave and benefits immediately before the election.

5. As used in this section:

(a) "Catastrophe" means an illness or accident arising out of or in the course of employment which is life threatening or which will require a period of convalescence that an attending physician expects to exceed 30 days and because of which the employee is unable to perform the duties of his position.

(b) "Police officer" has the meaning ascribed to it in NRS 617.135.".

Amend the title of the bill to read as follows: "An Act relating to public employees; authorizing the establishment of a program for payment of the normal salary of a police officer or fireman in lieu of compensation for industrial injury or occupational disease in certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Authorizes establishment of program for payment of normal salary of police officer or fireman in lieu of compensation for industrial injury or occupational disease in certain circumstances. (BDR 23-1116)".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 666.

Amend section 1, page 1, line 3, by deleting "$422,499" and inserting "$110,420".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 664.

Amend sec. 3, page 2, line 5, by deleting "*duress,*".

Amend sec. 3, page 2, line 7, by deleting "*facility.*" and inserting: "*facility to collect money from the insurance company of the client or for any other financial purpose.*".

Amend sec. 5, page 2, by deleting lines 37 through 41.

Amend sec. 5, page 2, line 42, by deleting "*5.*" and inserting "*3.*".

Amend sec. 5, page 3, line 1, by deleting "*6.*" and inserting "*4.*".

Amend sec. 7, page 3, by deleting sec. 7 and inserting:

"Sec. 7. (Deleted by amendment.)".

Amend sec. 8, page 3, line 12, by deleting "*Each*" and inserting "*1. Each*".

Amend sec. 8, page 3, between lines 13 and 14, by inserting:

"*2. This section does not preclude a public facility from making decisions, policies, procedures and practices within the limits of the money made available to the facility.*".

Amend sec. 9, page 3, line 14, be deleting "*1.*".

Amend sec. 9, page 3, line 16, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 9, page 3, line 17, by deleting "*(b)*" and inserting "*2.*".

Amend sec. 9, page 3, by deleting lines 19 through 23.

Amend sec. 12, page 4, lines 17 and 18, by deleting: "*properly issued subpoena.*" and inserting "*court order.*".

Amend sec. 13, page 4, by deleting lines 23 through 27 and inserting: "*health facility or hospital as a voluntary client, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist or physician pursuant to NRS 433A.170.*

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 24 hours after the change in status is made, unless within that period a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

3. If the period specified in subsection 2 expires on a day on which the".

Amend sec. 15, page 4, line 40, after "diminished" by inserting: "*, as a result of a mental illness,*".

Amend sec. 15, page 5, line 4, by deleting "has:" and inserting: "has [:] *as a result of a mental illness:*".

Amend sec. 15, page 5, line 26, after "has" by inserting: "*, as a result of a mental illness,*".

Amend sec. 16, page 6, line 8, by deleting "day." and inserting: "day [.] *, unless, within 24 hours after the request, the facility changes the status of the person to an emergency admission pursuant to section 12 of this act.*".

Amend sec. 16, page 6, between lines 22 and 23 by inserting:

"*6. This section does not preclude a public facility from making decisions, policies, procedures and practices within the limits of the money made available to the facility.*".

Amend sec. 17, pages 6 and 7, by deleting sec. 17 and inserting:

"Sec. 17. (Deleted by amendment.)".

Amend sec. 18, page 7, line 22, by deleting the open bracket.

Amend sec. 18, page 7, by deleting lines 31 through 34 and inserting:

"5. [Each] *Except as otherwise provided in this subsection, each* person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or [physician who is not a psychiatrist.] *a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation.* Each such emergency admission must be approved by a psychiatrist.".

Amend the bill as a whole by renumbering sec. 19 as sec. 21 and adding new sections designated sections 19 and 20, following sec. 18, to read as follows:

"Sec. 19. NRS 433A.170 is hereby amended to read as follows:

433A.170 [The] *Except as otherwise provided in this section, the* administrative officer of a facility operated by the division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.150 and 433A.160 unless that application is accompanied by a certificate of a psychiatrist [,] *or a* licensed psychologist [or physician] stating that he has examined the person alleged to be mentally ill and that he has concluded that as a result of mental illness the person is likely to harm himself or others. [This] *If a psychiatrist or licensed psychologist is not available to conduct an examination, a physician may conduct the examination. The* certificate *required by this section* may be obtained from a psychiatrist, licensed psychologist [,] or physician who is employed by the public or private mental health facility to which the application is made.

Sec. 20. NRS 433A.220 is hereby amended to read as follows:

433A.220 1. Immediately after he receives any petition filed pursuant to NRS 433A.200 or 433A.210, the clerk of the district court shall transmit the petition to the appropriate district judge, who shall set a time , *date* and place for its hearing . [, which] *The* date must be:

(a) Within 14 calendar days after the date on which the petition is received by the clerk; [or]

(b) If at the time the petition is received by the clerk the subject of the petition was admitted to a hospital or public or private mental health facility pursuant to NRS 433A.160, within 5 judicial days after the date on which the petition is received by the clerk [.] *; or*

(c) If the district attorney filed a petition for the emergency admission of the subject of the petition, within 5 judicial days after the date on which the petition is received by the clerk.

2. The court shall give notice of the petition and of the time , *date* and place of any proceedings thereon to the subject of the petition, his attorney, if known, the petitioner, the district attorney of the county in which the court has its principal office, the local office of an agency or organization that

receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons with mental illnesses and the administrative office of any public or private mental health facility in which the subject of the petition is detained.".

Amend the bill as a whole by deleting sections 20 through 69.

Amend the title of the bill to read as follows: "An Act relating to mental health care; making various changes concerning mentally ill persons; specifying additional rights of clients of certain facilities; revising provisions governing emergency admissions of persons to certain facilities; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 580.

Amend the bill as a whole by deleting sections 1 through 20 and adding new sections designated sections 1 through 14, following the enacting clause, to read as follows:

"Section 1. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Adoptee" means a person who was adopted.*

Sec. 4. *"Authorized adoptive relative" means:*

1. An adoptee who is at least 18 years of age.

2. If an adoptee is less than 18 years of age, or is at least 18 years of age and is legally incapacitated, an adoptive parent or legal guardian of an adoptee.

3. The spouse of an adoptee if:

(a) The spouse is at least 18 years of age;

(b) The spouse is the parent or legal guardian of a child of the adoptee; and

(c) The adoptee is deceased or legally incompetent.

4. If an adoptee is at least 18 years of age and has been adjudicated mentally incompetent, an adoptive parent or legal guardian of the adoptee.

Sec. 5. *"Authorized biological relative" means:*

1. A natural parent of an adoptee if the parent is at least 18 years of age.

2. If a natural parent of an adoptee is deceased or has been adjudicated mentally incompetent, a parent or legal guardian of the natural parent.

3. A biological sibling of an adoptee if the sibling is at least 18 years of age.

Sec. 6. *"Child-placing agency" means a nonprofit corporation organized pursuant to chapter 82 of NRS and licensed by the division to place children for adoption or permanent free care.*

Sec. 7. *1. If an adoptee was released for adoption before January 1, 1998:*

(a) An authorized adoptive relative may, if the adoptee suffers from or may suffer from a serious health condition to which an authorized biological relative also may be susceptible, petition a district court to issue a request to the division or a child-placing agency to initiate a search for an authorized biological relative so that the adoptive relative may provide updated nonidentifying medical information about the adoptee to the authorized biological relative or so that he may obtain such information from the authorized biological relative.

(b) An authorized biological relative may, if he suffers from a serious health condition to which the adoptee may be susceptible, petition a district court to issue a request to the division or a child-placing agency to initiate a search for an authorized adoptive relative so that he may provide updated nonidentifying medical information to the authorized adoptive relative.

2. A petition filed with a district court pursuant to this section must include a written statement from a licensed physician or a provider of mental health services describing the serious health condition of the petitioner or the condition to which he is susceptible and stating that diagnosis and treatment would be facilitated with access to extended family medical information.

3. Upon receiving a request from a district court pursuant to this section, the division or a child-placing agency shall make a diligent effort to locate the authorized adoptive relative or authorized biological relative, as appropriate.

Sec. 8. *1. On or after January 1, 1998, each person who releases a child for adoption, consents to the adoption of a child, or whose parental rights are terminated by a court of competent jurisdiction shall sign a statement which:*

(a) Confirms that he has received information about the state register for adoptions; and

(b) Indicates whether he:

(1) Authorizes, has not decided whether to authorize or does not authorize the release of information that identifies him to authorized adoptive relatives; and

(2) Authorizes the division or a child-placing agency to contact him to provide updated nonidentifying medical information.

2. Each adoptive parent of an adoptee whose adoption was final on or after January 1, 1998, shall sign a statement which:

(a) Confirms that he has received information concerning the state register for adoptions; and

(b) Authorizes the division or a child-placing agency to contact him to provide updated nonidentifying medical information.

3. The division or a child-placing agency responsible for an adoption shall submit the statements required pursuant to this section to the state register for adoptions.

Sec. 9. *1. The division, a child-placing agency or a person with whom the division or a child-placing agency contracts to conduct a search may conduct a search to locate a natural parent of an adoptee at the request of an authorized adoptive relative for the purpose of a reunion if the statement made pursuant to subsection 1 of section 8 of this act:*

(a) Authorizes the release of identifying information to authorized adoptive relatives; or

(b) Indicates that the natural parent has not decided whether to authorize the release of identifying information to authorized adoptive relatives and the division or child-placing agency locates the natural parent who authorizes such information to be released to authorized adoptive relatives.

2. The division, child-placing agency or person with whom the division or child-placing agency contracted to conduct a search shall make a diligent effort to locate the natural parent during any search conducted pursuant to this section. Any contact made with the natural parent must be made by an employee of the division or child-placing agency.

3. If the natural parent is contacted, he may authorize, prohibit or do nothing concerning the release of his identifying information. The division or child-placing agency shall consider inaction by the natural parent as prohibiting the release of identifying information about him. If the natural parent prohibits the release of identifying information, the division or child-placing agency shall not take any further action concerning the matter.

4. If the natural parent consents to the release of identifying information about him, the division or child-placing agency must obtain a signed statement from him indicating his consent and file the statement with the state register for adoptions before releasing any identifying information concerning the natural parent.

5. The provisions of this section apply only in a case involving an adoptee who was released for adoption on or after January 1, 1998.

Sec. 10. *1. The division, a child-placing agency or a person with whom the division or a child-placing agency contracts to conduct a search may conduct a search at the request of an authorized adoptive relative or an*

authorized biological relative to obtain updated nonidentifying medical information which is not on file with the division or child-placing agency if a party signed the statement pursuant to section 8 of this act authorizing the division or child-placing agency to contact him regarding this information.

2. The division, child-placing agency or person with whom the division or child-placing agency contracted to conduct a search shall make a diligent effort to locate the person who is the subject of a search pursuant to this section. Any contact made with such person who is the subject of the search must be made by an employee of the division or child-placing agency.

3. If the person is the subject of the search for the purpose of receiving updated nonidentifying medical information, he may consent to, prohibit or do nothing concerning the release of such information. The division or child-placing agency shall consider inaction by the person who is the subject of the search as prohibiting the release of such information. If the subject of the search prohibits the release of such information, the division or child-placing agency shall not take any further action concerning the matter.

4. If the person who is the subject of the search consents to the release of nonidentifying medical information about him, the division or child-placing agency must obtain a signed statement from the person indicating his consent and file the statement with the state register for adoptions before releasing such information. Information provided pursuant to this section must be provided to the person who requested the search in a manner that does not identify the person who is the subject of the search.

5. The provisions of this section apply only in a case involving an adoptee who was released for adoption on or after January 1, 1998.

Sec. 11. *A person who provides information to an authorized adoptive relative or an authorized biological relative in good faith pursuant to section 7, 9 or 10 of this act, or pursuant to the request of a court is not liable for any damages resulting from the disclosure.*

Sec. 12. *The division and each child-placing agency that conducts a search pursuant to section 7, 9 or 10 of this act:*

1. May charge a reasonable fee for conducting a search; and

2. Shall adopt such regulations as are necessary to carry out the provisions of sections 2 to 11, inclusive, of this act.

Sec. 13. NRS 127.005 is hereby amended to read as follows:

127.005 The provisions of NRS 127.010 to 127.186, inclusive, *and sections 2 to 12, inclusive, of this act* govern the adoption of minor children, and the provisions of NRS 127.190 [to 127.210, inclusive,] , *127.200 and 127.210,* and the provisions of NRS 127.010 to 127.186, inclusive, where not inconsistent with the provisions of NRS 127.190 [to 127.210, inclusive,] , *127.200 and 127.210,* govern the adoption of adults.

Sec. 14. NRS 127.007 is hereby amended to read as follows:

127.007 1. The division shall maintain the state register for adoptions, which is hereby established, in its central office to provide information to identify adults who were adopted and persons related to them within the third degree of consanguinity.

2. The state register for adoptions consists of:

(a) Names and other information, which the administrator of the division deems to be necessary for the operation of the register, relating to persons who have released a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information voluntarily to the division;

(b) Names and other necessary information of persons who are 18 years of age or older, who were adopted and who have submitted the information voluntarily to the division; [and]

(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the division [.] *; and*

(d) Statements signed pursuant to section 8 of this act.

Any person whose name appears in the register may withdraw it by requesting in writing that it be withdrawn. The division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the register.

3. Except as otherwise provided in subsection 4, the division may release information:

(a) About a person related within the third degree of consanguinity to an adopted person; or

(b) About an adopted person to a person related within the third degree of consanguinity,

if the names and information about both persons are contained in the register and written consent for the release of such information is given by the natural parent.

4. An adopted person may, by submitting a written request to the division, restrict the release of any information concerning himself to one or more categories of relatives within the third degree of consanguinity.".

Amend the title of the bill to read as follows: "An Act relating to adoption; requiring certain persons involved in adoption proceedings to sign statements indicating whether they authorize certain identifying and medical information to be released to certain persons; authorizing certain persons to request the division of child and family services of the department of human resources or a child-placing agency to conduct a search for the purpose of reunion or obtaining updated nonidentifying medical information about an

adoptee or his biological relatives; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning adoptions. (BDR 11-1004)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 638.

Amend section 1, page 1, by deleting lines 4 and 5 and inserting: "*fluoridation of each public water system that:*

(a) Has more than 22,000 service connections; or

(b) Serves a population that is equal to or greater than 100,000.".

Amend section 1, page 2, by deleting lines 1 through 3.

Amend section 1, page 2, by deleting line 20 and inserting: "*within the county if:*

(a) The systems are not already required to be fluoridated pursuant to subsection 1; and

(b) The board of county commissioners complies with this".

Amend the title of the bill by deleting the first through third lines and inserting: "An Act relating to public water systems; requiring the fluoridation of certain larger public water systems; authorizing the fluoridation of certain other public water systems; directing the state board of health to adopt related".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Assemblywoman Freeman moved that Assembly Bill No. 489 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Infrastructure:

Amendment No. 602.

Amend sec. 6, page 3, by deleting line 2 and inserting: "managing urban development and providing transportation systems".

Amend sec. 6, page 3, by deleting lines 21 through 26 and inserting: "enacted laws and programs designed to preserve the livability of urban areas and the productivity of nonurban areas. Metropolitan areas within those states have carried out plans and programs designed to preserve agricultural lands, mineral lands and open spaces by directing that urban land uses, transportation systems and infrastructure be located in areas identified specifically for urban development.".

Amend sec. 6, page 3, line 39, by deleting "limit" and inserting "manage".

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. "Planned unit development" has the meaning ascribed to it in NRS 278A.065.".

Amend sec. 9, page 4, between lines 15 and 16, by inserting:

"(d) The storage of water, including, without limitation, water tanks.".

Amend sec. 9, page 4, by deleting lines 17 and 18 and inserting:

"6. Facilities for recreation that do not require appurtenant water or sewer facilities:

(a) Including, without limitation, bicycle paths, unimproved camp sites, equestrian trails, hiking trails, trailheads and wildlife preserves.

(b) Not including, without limitation, amusement parks, golf courses, athletic fields, swimming pools, community centers or parks intended for the use of off-road vehicles.".

Amend sec. 9, page 4, by deleting line 24 and inserting:

"10. Facilities for the provision of firefighting, police and emergency services.".

Amend sec. 9, page 4, between lines 29 and 30, by inserting:

"13. Industrial facilities located within the Apex Site, as that term is used in the Apex Project, Nevada Land Use and Authorization Act of 1989, Public Law 101-67, 101st Congress.".

Amend the bill as a whole by deleting sec. 10.

Amend sec. 11, pages 4 and 5, by deleting lines 36 through 44 on page 4 and lines 1 through 11 on page 5 and inserting:

"1. All of sections 13, 25 and 36, Township 15 South, Range 58 East, MDM.

2. All of sections 7 and 8, 15 through 23 and 26 through 35, Township 15 South, Range 59 East, MDM.

3. All of sections 1 and 11 through 36, Township 15 South, Range 60 East, MDM.

4. All of sections 4 through 9 and 14 through 36, Township 15 South, Range 61 East, MDM.

5. All of sections 19 and 29 through 31, Township 15 South, Range 62 East, MDM.

6. All of sections 1, 11 through 14, 22 through 28 and 32 through 36, Township 16 South, Range 58 East, MDM.

7. All of Township 16 South, Range 59 East, MDM.

8. All of Township 16 South, Range 60 East, MDM.

9. All of Township 16 South, Range 61 East, MDM.

10. All of sections 5 through 8, 18, 19 and 30, Township 16 South, Range 62 East, MDM.

11. All of sections 25 and 34 through 36, Township 17 South, Range 57 East, MDM.

12. All of sections 1 through 3, 9 through 17 and 19 through 36, Township 17 South, Range 58 East, MDM.

13. All of Township 17 South, Range 59 East, MDM.

14. All of Township 17 South, Range 60 East, MDM.

15. All of Township 17 South, Range 61 East, MDM.

16. All of sections 6 and 7, 18 and 29 through 33, Township 17 South, Range 62 East, MDM.

17. All of sections 24 through 26 and 34 through 36, Township 18 South, Range 56 East, MDM.

18. All of sections 1 through 3 and 8 through 36, Township 18 South, Range 57 East, MDM.

19. All of Township 18 South, Range 58 East, MDM.

20. All of Township 18 South, Range 59 East, MDM.

21. All of Township 18 South, Range 60 East, MDM.

22. All of Township 18 South, Range 61 East, MDM.

23. All of sections 4 through 9, 16 through 23 and 25 through 36, Township 18 South, Range 62 East, MDM.

24. All of sections 31 through 33, Township 18 South, Range 63 East, MDM.

25. All of sections 1 through 4, 9 through 16, 21 through 28 and 34 through 36, Township 19 South, Range 56 East, MDM.

26. All of Township 19 South, Range 57 East, MDM.

27. All of Township 19 South, Range 58 East, MDM.

28. All of Township 19 South, Range 59 East, MDM.

29. All of Township 19 South, Range 60 East, MDM.

30. All of Township 19 South, Range 61 East, MDM.

31. All of Township 19 South, Range 62 East, MDM.

32. All of sections 2 through 11, 14 through 23 and 27 through 34, Township 19 South, Range 63 East, MDM.

33. All of sections 1 and 2, Township 20 South, Range 56 East, MDM.

34. All of sections 1 through 6, 8 through 16, 22 through 25 and 36, Township 20 South, Range 57 East, MDM.

35. All of Township 20 South, Range 58 East, MDM.
36. All of Township 20 South, Range 59 East, MDM.
37. All of Township 20 South, Range 60 East, MDM.
38. All of Township 20 South, Range 61 East, MDM.
39. All of Township 20 South, Range 62 East, MDM.
40. All of sections 4 through 8, 17 through 19 and 27 through 34, Township 20 South, Range 63 East, MDM.
41. All of sections 1 and 12, Township 21 South, Range 57 East, MDM.
42. All of sections 1 through 30 and 32 through 36, Township 21 South, Range 58 East, MDM.
43. All of Township 21 South, Range 59 East, MDM.
44. All of Township 21 South, Range 60 East, MDM.
45. All of Township 21 South, Range 61 East, MDM.
46. All of Township 21 South, Range 62 East, MDM.
47. All of sections 3 through 10, 14 through 23 and 25 through 36, Township 21 South, Range 63 East, MDM.
48. All of sections 1 through 5, 8 through 16 and 20 through 36, Township 22 South, Range 58 East, MDM.
49. All of Township 22 South, Range 59 East, MDM.
50. All of Township 22 South, Range 60 East, MDM.
51. All of Township 22 South, Range 61 East, MDM.
52. All of Township 22 South, Range 62 East, MDM.
53. All of Township 22 South, Range 63 East, MDM.
54. All of sections 1, 12, 13, 24, 25 and 36, Township 22 South, Range 63 1/2 East, MDM.
55. All of sections 1 through 16, Township 23 South, Range 58 East, MDM.
56. All of sections 1 through 30 and 32 through 36, Township 23 South, Range 59 East, MDM.
57. All of Township 23 South, Range 60 East, MDM.
58. All of Township 23 South, Range 61 East, MDM.
59. All of sections 1 through 12, 15 through 22 and 27 through 34, Township 23 South, Range 62 East, MDM.
60. All of sections 3 through 10, 16 and 17, Township 23 South, Range 63 East, MDM.
61. All of section 1, Township 23 South, Range 63 1/2 East, MDM.
62. All of sections 1 through 5, 9 and 10, Township 24 South, Range 59 East, MDM.
63. All of sections 1 through 6 and 9 through 14, Township 24 South, Range 60 East, MDM.
64. All of sections 1 through 14, 18, 24 and 25, Township 24 South, Range 61 East, MDM.

65. All of sections 3 through 10, 16 through 20, 29 and 30, Township 24 South, Range 62 East, MDM.".

Amend sec. 12, page 5, line 23, after "15, the" by inserting: "east half and the".

Amend sec. 12, page 5, by deleting line 40 and inserting: "west half and the west half of the east half of section 23, the south half and the south half of the north half of ".

Amend sec. 12, page 6, by deleting lines 13 through 18 and inserting:

"20. All of sections 5 through 8, the west half of section 17, all of section 18 and those portions of sections 19 and 20 located outside of the North McCullough Wilderness Study Area as the boundaries of that area existed on May 1, 1997, Township 23 South, Range 62 East, MDM.

21. The northwest quarter and that portion of the northeast quarter of section 3 lying northwest of the line connecting the northeast corner of section 3 with the center of section 3, Township 23 South, Range 63 East, MDM.".

Amend sec. 13, page 6, line 20, by deleting "any".

Amend sec. 13, page 6, by deleting lines 22 through 33 and inserting:

"2. The provisions of subsection 1 do not apply to urban development in the nonurban zone if authorization of the urban development:

(a) Could lawfully have been granted, without a hearing, in accordance with the laws of this state and the plans, ordinances, resolutions and regulations of the local government or unit thereof in effect on May 1, 1997.

(b) Is granted for the sole purpose of extending urban services:

(1) To an area or region in which urban development is not prohibited; or

(2) For the benefit of a land use which constitutes urban development, but was approved before the date on which this act becomes effective.

(c) Is granted to allow a person who owns a parcel of private land to develop that parcel in accordance with a conditional approval to rezone the parcel that was issued by the local government or unit thereof on or before May 1, 1997.

(d) Is granted to allow a person who owns a parcel of private land that contains urban development to develop with land uses of the same type and intensity:

(1) Other parcels of land that are contiguous to that parcel; and

(2) Rights of way that are appurtenant to that parcel,

that have been owned continuously by that person since May 1, 1997.

3. As used in this section:

(a) "Authorize urban development" means to allow additional urban development by:

(1) Adopting or amending a land use plan, master plan, facilities plan or other similar plan;

(2) Approving a change in zoning if the change is not in substantial compliance with a master plan adopted by a local government pursuant to NRS 278.150 to 278.230, inclusive, on or before the date on which this act becomes effective;

(3) Approving or amending an agreement for the development of land pursuant to NRS 278.0201 to 278.0207, inclusive;

(4) Approving a planned unit development; or

(5) Granting a variance, special exception or special use permit.

(b) "Contiguous" means either abutting directly on the boundary of the parcel of land or separated from the boundary thereof by a street, highway, alley, public right of way, creek, river or the right of way of a railroad or other public service corporation.

(c) "Urban services" means:

(1) Public transit systems and facilities.

(2) Systems to convey water for human consumption.

(3) Sanitary and storm sewers.".

Amend sec. 14, page 6, by deleting lines 34 through 37 and inserting:

"Sec. 14. 1. A person who proposes to develop a project of significant impact within the metropolitan Las Vegas development area shall, unless the project was approved before the date on which this act becomes effective, submit an impact statement to the local government or unit thereof having authority over the zoning and approval of the project. The impact statement must be submitted on or before the date, if any, on which the project is approved.".

Amend sec. 14, page 7, line 3, by deleting: "American Water Works Association or its successor" and inserting: "provider of sewer service".

Amend sec. 14, page 7, by deleting lines 7 through 25 and inserting: "provider of water service to the number of units that will be created by and the gross acreage that will be occupied by the project.

(e) The distance from the site on which the project will be located to the nearest facilities from which firefighting, police and emergency services are provided.

(f) The existing capacities of schools, roads, sources of water supply and wastewater facilities that will be affected by the project. This information must be obtained from the appropriate local service providers.

(g) A brief statement setting forth the anticipated effect of the project on housing, mass transit, open space and recreation.

3. A person shall not develop in phases, subdivide or otherwise partition a proposed project for the purpose of evading or avoiding the provisions of this section.

4. An impact statement required pursuant to this section need not repeat information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, including, without

limitation, information contained in a report required by another federal or state law or local ordinance.

5. As used in this section, "project of significant impact" means a project that would create:

(a) Tentative maps or planned unit developments of 300 units or more;

(b) Tourist accommodations of 300 units or more;

(c) Commercial facilities having more than 50,000 square feet of floor space;

(d) A commercial or industrial facility having more than 500 employees or generating more than 3,000 average daily vehicle trips; or

(e) A nonresidential development encompassing more than 160 acres.".

Amend sec. 16, page 7, line 35, after "person" by inserting "reasonably".

Amend sec. 16, page 7, after line 43, by inserting:

"3. This section does not require the attorney general to proceed with a complaint that the attorney general determines to be frivolous, without merit or filed with a vexatious purpose.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Ernaut.

Conflict of interest declared by Assemblyman Ernaut.

Amendment adopted.

Assemblyman Goldwater moved that Assembly Bill No. 490 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 525.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 593.

Amend sec. 9, page 2, by deleting line 28 and inserting:

"Sec. 9. *"Project" means:*

1. In a county whose population is 35,000 or more, street and highway construction, including, without limitation, the acquisition and improvement of any street, avenue, boulevard, alley, highway or other public right of way used for any vehicular traffic, and including a sidewalk designed primarily for use by pedestrians, and also, including, without limitation, grades, regrades, gravel, oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian rights of way, driveway approaches, curb cuts, curbs, gutters, culverts, catch basins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial lights and lighting equipment, parkways, grade separators, traffic separators, and traffic control equipment, and all

appurtenances and incidentals, or any combination thereof, including, without limitation, the acquisition and improvement of all types of property therefor.

2. In a county whose population is less than 35,000, street and highway construction, maintenance".

Amend the title of the bill, second line, after "tax" by inserting: "in certain counties".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 527.

Bill read second time.

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

Amendment No. 634.

Amend the bill as a whole by deleting sections 1 through 4, renumbering sec. 5 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a public body enters into a contract with a design professional for the provision of services in connection with a public work, the contract:

(a) Must set forth:

(1) The specific period within which the public body must pay the design professional.

(2) The specific period and manner in which the public body may dispute a payment or portion thereof that the design professional alleges is due.

(3) The terms of any penalty that will be imposed upon the public body if the public body fails to pay the design professional within the specific period set forth in the contract pursuant to subparagraph (1).

(4) That the prevailing party in an action to enforce the contract is entitled to reasonable attorney's fees and costs.

(b) May set forth the terms of any discount that the public body will receive if the public body pays the design professional within the specific period set forth in the contract pursuant to subparagraph (1) of paragraph (a).

2. As used in this section, "design professional" means a person with a professional license issued pursuant to chapter 623, 623A or 625 of NRS.".

Amend the title of the bill, second line, by deleting: "and their subcontractors".

Amend the summary of the bill, first line, by deleting: "and their subcontractors".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 548.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 15.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 631.

Amend the resolution, page 2, line 10, by deleting "oppose to" and inserting "oppose".

Amend the resolution, page 2, by deleting lines 12 through 15.

Amend the resolution, page 2, by deleting line 19 and inserting: ", each member of the Nevada Congressional Delegation and to the presiding officers of the legislature of each state; and be it further".

Amend the resolution, page 1, by deleting lines 1 through 13.

Amend the resolution, page 2, by deleting lines 1 through 4.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 648.

Amend sec. 6, page 4, line 28, after "*attorney,*" by inserting: "*not less than 72 hours*".

Amend sec. 8, page 6, line 13, by deleting "*old*" and inserting "*of age*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Evans.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Ways and Means.

Senate Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 647.

Amend sec. 6, page 5, line 10, after "*attorney,*" by inserting: "*not less than 72 hours*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Ways and Means.

Senate Bill No. 344.

Bill read second time and ordered to third reading.

Senate Bill No. 353.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 254 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Perkins.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 523.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 523:

YEAS — 42.

NAYS — None.

Assembly Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 560.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Ernaut.

Roll call on Assembly Bill No. 560:

YEAS — 22.

NAYS — Amodei, Bache, Buckley, Carpenter, Cegavske, Ernaut, Evans, Freeman, Giunchigliani, Gustavson, Herrera, Hickey, Lambert, Lee, Manendo, Nolan, Ohrenschall, Sandoval, Von Tobel — 19.

Not voting — Goldwater.

Assembly Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 563.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 563:

YEAS — 42.

NAYS — None.

Assembly Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 254 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 6 be taken from the General File and referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 254.

Bill read third time.

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

Amendment No. 598.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sections 4 and 5 as sections 1 and 2.

Amend sec. 4, page 3, line 25, by deleting "or 704.755" and inserting "[or 704.755]".

Amend sec. 4, page 3, line 26, by deleting "or 704.755" and inserting "[or 704.755]".

Amend sec. 4, page 3, by deleting lines 30 through 37 and inserting: "facility" has the meaning ascribed to it in subsections 1 [, 2 and 3] *and 2* of NRS 704.860.".

Amend sec. 5, page 4, line 6, by deleting "[.] *; and* " and inserting "[.".

Amend sec. 5, page 4, by deleting lines 7 and 8.

Amend sec. 5, page 4, line 9, by deleting the open bracket.

Amend sec. 5, page 4, line 17, by deleting "more.]" and inserting: "*; and*

4. Significant operational or capital requirements of the utility related to its provision of gas service in this state.".

Amend the bill as a whole by deleting sections 6 through 9 and adding new sections designated sections 3 through 10, following sec. 5, to read as follows:

"Sec. 3. NRS 704.825 is hereby amended to read as follows:

704.825 1. The legislature hereby finds and declares that:

(a) There is at present and will continue to be a growing need for electric, gas, telephone, telegraph and water services which will require the construction of new facilities. It is recognized that such facilities cannot be built without in some way affecting the physical environment where such facilities are located.

(b) It is essential in the public interest to minimize any adverse effect upon the environment and upon the quality of life of the people of the state which such new facilities might cause.

(c) Present laws and practices relating to the location of such utility facilities should be strengthened to protect environmental values and to take into account the total cost to society of such facilities.

(d) Existing provisions of law may not provide adequate opportunity for natural persons, groups interested in conservation and the protection of the environment, state and regional agencies, local governments and other public bodies to participate in [any and all proceedings before the public service commission of Nevada] *proceedings* regarding the location and construction of major facilities.

2. The legislature, therefore, hereby declares that it is the purpose of NRS 704.820 to 704.900, inclusive, to provide a forum for the expeditious resolution of all matters concerning the location and construction of electric, gas, telephone, telegraph and water transmission lines and associated facilities.

Sec. 4. NRS 704.850 is hereby amended to read as follows:

704.850 "Person" includes a *natural person, corporation, partnership, public utility,* government, [a] governmental agency , [and a] political subdivision of a government [.] *and any other entity that seeks to construct a utility facility.*

Sec. 5. NRS 704.855 is hereby amended to read as follows:

704.855 1. "Public utility" or "utility" includes those public utilities defined in NRS 704.020 and not excluded by NRS 704.030 and any oil pipeline carrier described and regulated under chapter 708 of NRS.

2. ["Public utility" also includes any corporation which:

(a) Is a parent or an affiliated corporation of a public utility or a subsidiary of that parent or affiliated corporation; and

(b) Owns, independently or in combination with any other public utility, a one-third interest in a utility facility.

3.] "Public utility" does not include plants or equipment used to generate electrical energy that is wholly consumed on the premises of and by the producer thereof.

Sec. 6. NRS 704.870 is hereby amended to read as follows:

704.870 1. A [public utility which] *person who* applies for a permit must file with the commission an application, in such form as the commission prescribes, containing:

(a) A description of the location and of the utility facility to be built thereon;

(b) A summary of any studies which have been made of the environmental impact of the facility;

(c) A statement explaining the need for the facility; *and*

(d) A description of any reasonable alternate location or locations for the proposed facility, a description of the comparative merits or detriments of each location submitted, and a statement of the reasons why the primary proposed location is best suited for the facility . [;

(e) A summary of the examination of conservation measures and alternative sources of energy which was made before the construction of a facility using fossil fuel; and

(f) Such other information as the applicant may consider relevant or as the commission may by regulation or order require.]

A copy or copies of the studies referred to in paragraph (b) must be filed with the commission and be available for public inspection.

2. [A person who is not a public utility and who applies for a permit must file with the commission an application, in such form as the commission prescribes, containing:

(a) A description of the location and of the utility facility to be built thereon;

(b) A summary of any studies which have been made of the environmental impact of the facility; and

(c) Such other information as the applicant may consider relevant.

3.] A copy of the application must be filed with the administrator of the division of environmental protection of the state department of conservation and natural resources.

[4.] *3.* Each application must be accompanied by:

(a) Proof of service of a copy of the application on the clerk of each local government in the area in which any portion of the facility is to be located, both as primarily and as alternatively proposed; and

(b) Proof that public notice thereof was given to persons residing in the municipalities entitled to receive notice [under] *pursuant to* paragraph (a) by the publication of a summary of the application in newspapers published and distributed in the area in which the utility facility is proposed to be located.

Sec. 7. NRS 704.885 is hereby amended to read as follows:

704.885 1. The parties to a permit proceeding include:

(a) The applicant.

(b) The division of environmental protection of the state department of conservation and natural resources.

(c) Each local government entitled to receive service of a copy of the application [under subsection 4] *pursuant to subsection 3* of NRS 704.870, if it has filed with the commission a notice of intervention as a party, within [45] *30* days after the date it was served with a copy of the application.

(d) Any person residing in a local government entitled to receive service of a copy of the application [under subsection 4] *pursuant to subsection 3* of NRS 704.870, if such a person has petitioned the commission for leave to intervene as a party within [45] *30* days after the date of the published notice and if the petition has been granted by the commission for good cause shown.

(e) Any domestic nonprofit corporation or association, formed in whole or in part to promote conservation of natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups, or to promote the orderly development of the areas in which the facility is to be located, if it has filed with the commission a notice of intent to be a party within [45] *30* days after the date of the published notice.

2. Any person may make a limited appearance in the proceeding by filing a statement of position within [45] *30* days after the date of the published notice. A statement filed by a person making a limited appearance becomes part of the record. No person making a limited appearance has the right to present oral testimony or cross-examine witnesses.

3. The commission may, for good cause shown, grant a petition for leave to intervene as a party to participate in subsequent phases of the proceeding, filed by a municipality, government agency, person or organization who is identified in paragraph (c), (d) or (e) of subsection 1, but who failed to file in a timely manner a notice of intervention, a petition for leave to intervene or a notice of intent to be a party, as the case may be.

Sec. 8. NRS 704.890 is hereby amended to read as follows:

704.890 1. [The] *Within 150 days after a person has filed an application for a permit, the* commission shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions or modifications of the construction, operation or maintenance of the utility facility as the commission deems appropriate.

2. The commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the commission, to a [public utility] *person* unless it finds and determines:

(a) The basis for the need of the facility;

(b) The nature of the probable effect on the environment;

(c) That the facility represents the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives [, and other pertinent considerations;] *; and*

(d) That the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder . [;

(e) That the facility will serve the public interest; and

(f) That if the facility or a part thereof is intended to meet the requirements of customers in this state for electricity, it is included in the utility's plan to increase its supply of electricity or decrease the demands made on its system by its customers.

3. The commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the commission, to a person other than a public utility unless it finds and determines:

(a) The nature of the probable environmental impact; and

(b) That the location of the facility as proposed conforms to applicable state and local environmental laws and regulations issued thereunder.

4.] *3.* If the commission determines that the location of all or a part of the proposed facility should be modified, it may condition its permit upon such a modification.

[5.] *4.* A copy of the order and any opinion issued with it must be served upon each party.

[6.] *5.* The commission may require that any person applying for a permit to construct a plant for generating electrical energy offer the energy or capacity of the project to all public utilities in this state which primarily serve retail customers. If the offer is declined, the applicant may export the capacity of the project. If less than 50 percent of the capacity of such a project sold during its first 156 months of commercial operation is sold to public utilities in this state, the applicant shall reoffer the capacity of the project to all public utilities in this state. This reoffer must provide an opportunity to purchase energy or capacity at fair market value and ensure that 50 percent of the total capacity of the project is available to public utilities in this state. Any purchase of energy or capacity as a result of the reoffer is effective 84 months after the execution of the contracts of purchase.

Sec. 9. NRS 704.891 is hereby amended to read as follows:

704.891 Any person other than a public utility who receives a permit pursuant to subsection [3] *2* of NRS 704.890 shall, on or before the date *on which* construction of a utility facility is commenced and on a date no later than 12 months before the scheduled date of commercial operation of that facility, file with the commission reports which contain:

1. The location, nature and capacity of that facility;

2. The anticipated date for commercial operation of that facility;

3. Information regarding whether any public utility in this state has contracted for the purchase of the capacity or other services of that facility; and

4. Information regarding whether any capacity or other services of that facility is available for purchase by public utilities in this state.

Sec. 10. 1. This section and sections 1 to 5, inclusive, 8 and 9 of this act become effective on July 1, 1997.

2. Sections 6 and 7 of this act become effective at 12:01 a.m. on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to public utilities; revising the requirements of a utility that supplies natural gas to report to the public service commission of Nevada; revising the provisions of the Utility Environmental Protection Act relating to an application for and approval of a permit for a utility facility; and providing other matters properly relating thereto.".

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 47.

Bill read third time.

Remarks by Assemblymen de Braga, Carpenter and Close.

Roll call on Assembly Bill No. 47:

YEAS — 36.

NAYS — Carpenter, Collins, Ernaut, Gustavson, Lambert, Williams — 6.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 343.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 343:

YEAS — 42.

NAYS — None.

Assembly Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Bache and Ohrenschall.

Roll call on Assembly Bill No. 354:

YEAS — 42.

NAYS — None.

Assembly Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblymen Carpenter, Collins, Anderson, de Braga and Freeman.

Roll call on Assembly Bill No. 470:

YEAS — 40.

NAYS — Collins, Freeman — 2.

Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblymen Buckley, Hettrick, Ernaut, Anderson, Von Tobel, Parks, Price, Krenzer and de Braga.

Conflicts of interest declared by Assemblymen Hettrick and Von Tobel.

Potential conflicts of interest declared by Assemblymen Anderson, Buckley, de Braga, Krenzer, Parks and Price.

Roll call on Assembly Bill No. 484:

YEAS — 36.

NAYS — Amodei, Berman, Humke — 3.

Not voting — Carpenter, Hettrick, Von Tobel — 3.

Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

Remarks by Assemblymen Humke, Price and Bache.

Roll call on Assembly Bill No. 500:

YEAS — 41.

NAYS — Bache.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 242.

Bill read third time.

Remarks by Assemblymen Herrera, Perkins, Collins and Ohrenschall.

Roll call on Assembly Bill No. 242:

YEAS — 29.

NAYS—Amodei, Carpenter, Collins, Dini, Goldwater, Gustavson, Hettrick, Koivisto, Krenzer, Lambert, Neighbors, Ohrenschall, Perkins — 13.

Assembly Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:06 p.m.

ASSEMBLY IN SESSION

At 1:07 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 536.

Bill read third time.

Remarks by Assemblymen Manendo, Hettrick, Ernaut, Dini, Lee, Giunchigliani, Goldwater, Krenzer, Carpenter, Freeman, Price, Williams, Lambert, Segerblom and Perkins.

Assemblymen Perkins, Buckley and Williams moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 536.

Roll call on Assembly Bill No. 536:

YEAS — 30.

NAYS—Amodei, Anderson, Bache, Berman, Braunlin, Carpenter, Collins, Freeman, Giunchigliani, Gustavson, Lambert, Von Tobel — 12.

Assembly Bill No. 536 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that for this legislative day, all rules be suspended and that all Assembly bills and resolutions passed by the Assembly be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Perkins moved that Senate Bills Nos. 247, 258, 358, 359, 369, 370, 407, 408 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 16, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 11, 46.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended Senate Bills Nos. 158, 233, 255, 275, 328, 345, 382, 406, 417.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 158, 233, 255, 275, 328, 345, 382, 406, 417 be placed on the Introduction and First Reading File.

Motion carried.

Senate Bill No. 158.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 233.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 255.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 275.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 328.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 345.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 382.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 406.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 417.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 155, 174, 417, 421; Assembly Concurrent Resolution No. 42; Senate Bills Nos. 102, 136, 277; Senate Joint Resolution No. 6; Senate Concurrent Resolution No. 48.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Randall.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, June 17, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 1:39 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-NINTH DAY

CARSON CITY (Tuesday), June 17, 1997

Assembly called to order at 11:21 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Dr. Ken Haskins.

Our loving Heavenly Father, You have demonstrated that great love which seeks not its own, but rather the good of all. Bless these servants of Yours, who likewise seek to promote the interests of others before their own. In Jesus' Name I pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 477, 522; Senate Bill No. 260, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 576; Senate Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 118, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 129, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 216, 264, 299, 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 574, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Health and Human Services.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 612—An Act relating to hazardous materials; prohibiting the sale or use of certain highly flammable refrigerants; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 613—An Act relating to taxation; clarifying and expanding the procedures available for collection of taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 675.

Amend section 1, page 1, line 2, by deleting "$29,913" and inserting "$30,400".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 676.

Amend section 1, page 1, line 2, by deleting "$92,655" and inserting "$79,198".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 646.

Amend section 1, pages 1 and 2, by deleting lines 3 through 16 on page 1 and lines 1 through 4 on page 2 and inserting:

"*1. If the board determines that an actual or intended activity or association of a licensee in a foreign gaming operation may be prohibited pursuant to subsection 3 of NRS 463.720, the board may require the licensee to file an application for a finding of suitability to be made by the commission concerning the activity or association. Except as otherwise provided in subsection 2, the licensee shall file the application for a finding of suitability within 30 days after receiving the request from the board unless the chairman of the board grants an extension of time.*

2. In lieu of filing an application for a finding of suitability pursuant to subsection 1, a licensee may, within 30 days after receiving a request from the board pursuant to subsection 1, petition the commission to review the request and determine whether the licensee is required to file the application.

3. A licensee may, without a request from the board, file an application for a finding of suitability concerning his actual or intended activity or association in a foreign gaming operation.

4. If the commission finds that:

(a) An intended activity or association of a licensee in a foreign gaming operation is unsuitable pursuant to subsection 3 of NRS 463.720, the licensee shall not engage in the activity or enter into the association.

(b) An activity or association of a licensee in a foreign gaming operation is prohibited pursuant to subsection 3 of NRS 463.720, the licensee shall terminate the activity or association within the time prescribed by the commission.

5. An application for a finding of suitability filed pursuant to this section is subject to the same procedures and standards as any other application for a finding of suitability filed pursuant to this chapter.".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 463.710 is hereby amended to read as follows:

463.710 Unless otherwise ordered by the board or commission, a licensee who participates in foreign gaming shall file with the board:

1. As soon as participation in foreign gaming begins:

(a) All documents filed by him or by an affiliate with the foreign jurisdiction; and

(b) The systems of accounting and internal control utilized in the foreign *gaming* operation and any amendments to the systems as soon as made.

2. Annual operational and regulatory reports describing compliance with regulations, procedures for audit, and procedures for surveillance relating to the foreign *gaming* operation.

3. Quarterly reports regarding any of the following information which is within the knowledge of the licensee:

(a) Any changes in ownership or control of any interest in the foreign *gaming* operation;

(b) Any changes in officers, directors or key employees of the foreign *gaming* operation;

(c) All complaints, disputes, orders to show cause and disciplinary actions, related to gaming, instituted or presided over by an entity of the United States, a state or any other governmental jurisdiction concerning the foreign *gaming* operation;

(d) Any arrest of an employee of the foreign *gaming* operation involving cheating or theft, related to gaming, in the foreign jurisdiction; and

(e) Any arrest or conviction of an officer, director, key employee or owner of equity in the foreign *gaming* operation for an offense that would constitute a gross misdemeanor or felony in this state.

4. Such other information as the commission requires by regulation.".

Amend sec. 3, page 2, line 18, after "foreign" by inserting "*gaming*".

Amend sec. 3, page 2, line 19, by deleting "any" and inserting "[any] *a*".

Amend sec. 3, page 2, line 24, by deleting: "any activity that:" and inserting: "[any activity that:] *an activity or enter into an association that is unsuitable for a licensee because it:*".

Amend sec. 3, page 2, line 25, by deleting "any" and inserting "[any] *an*".

Amend sec. 3, page 2, line 29, by deleting "any" and inserting: "[any] *an* activity *or enter into an association*".

Amend sec. 3, page 2, line 31, by deleting "any" and inserting "[any] *a*".

Amend sec. 3, page 2, by deleting lines 32 through 35 and inserting: "commission or [any] *a* court in this state has found guilty of cheating or to whom the commission has denied a gaming license, or finding of suitability, on the ground".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows: "An Act relating to gaming; authorizing the state gaming control board to require a licensee who has an actual activity or association in a foreign gaming operation or intends to engage in such an activity or association to file an application for a finding of suitability; prohibiting a gaming licensee from associating with certain persons; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning activities or associations of gaming licensee in foreign gaming operations. (BDR 41-486)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 528.

Amend sec. 3, page 1, line 9, after "*insane*" by inserting: "*or mentally incompetent*".

Amend sec. 3, page 1, line 11, after "*insanity*" by inserting: "*or mental incompetency*".

Amend sec. 5, page 2, by deleting line 15, and inserting: "maximum of 1,500 registered voters *who are not designated inactive pursuant to NRS 293.530* per precinct in those precincts".

Amend the bill as a whole by renumbering sections 7 and 8 as sections 22 and 23 and adding new sections designated sections 7 through 21, following sec. 6, to read as follows:

"Sec. 7. NRS 293.356 is hereby amended to read as follows:

293.356 1. If a request is made to vote early by a registered voter in person, the county *or city* clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. If the ballot is a paper ballot or a ballot which is voted by punching a card, the clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. On the dates for early voting prescribed in NRS 293.3568, each county *or city* clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 8. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. The county clerk may establish permanent polling places for early voting by personal appearance at locations designated by him throughout the county. Except as otherwise provided in subsection 2, any person entitled to vote early by personal appearance may do so at any polling place for early voting.

2. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, he may:

(a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and

(b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.

3. The city clerk may establish permanent polling places for early voting by personal appearance at locations designated by him throughout the city. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 9. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election *, or a primary city election or general city election,* and extends through the Friday before election day, Sundays and holidays excepted.

2. The county *or city* clerk may:

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m. or until 8 p.m. if the county *or city* clerk so requires.

(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.

(c) If the county clerk *or city clerk* includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

Sec. 10. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county *or city* clerk may establish temporary branch polling places for early voting.

2. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county *or city* clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

Sec. 11. NRS 293.3576 is hereby amended to read as follows:

293.3576 1. The county *or city* clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting and the election precincts served by each location.

(b) The dates and hours that early voting will be conducted at each location.

2. [A] *The county clerk shall post a* copy of the schedule [must also be posted] on the bulletin board used for posting notice of meetings of the board of county commissioners. *The city clerk shall post a copy of the schedule on the bulletin board used for posting notice of the meetings of the city council.* The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county *or city* clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 12. NRS 293.358 is hereby amended to read as follows:

293.358 1. The county *or city* clerk shall appoint for each polling place for early voting a deputy clerk for early voting who must serve as the election officer in charge of the polling place.

2. The county *or city* clerk may also appoint as many additional deputy clerks as he deems necessary for the proper conduct of the election.

Sec. 13. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The county *or city* clerk shall prescribe a procedure, approved by the secretary of state, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. If the ballot is voted by punching a card, the deputy clerk for early voting shall:

(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;

(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and

(c) Allow the voter to place his voted ballot in the ballot box.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on each part of the voting receipt;

(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and

(d) Allow the voter to cast his vote.

7. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 14. NRS 293.359 is hereby amended to read as follows:

293.359 1. The ballot box for early voting in which voted ballots which are paper ballots or ballots which are voted by punching a card are deposited must have two locks, each with a different key and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.

2. During the period for early voting by personal appearance, the county *or city* clerk shall keep the key to one of the locks to the ballot box for early voting and a designated custodian, not under the authority of the county *or city* clerk, shall keep the key to the second lock.

3. Each custodian shall retain possession of the key entrusted to him until it is delivered to the ballot board for early voting.

Sec. 15. NRS 293.3594 is hereby amended to read as follows:

293.3594 1. A plan for the security of ballots for early voting must be submitted to the secretary of state for approval no later than 90 days before the election at which early voting is to be conducted.

2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the secretary of state so that its unauthorized operation is prevented.

3. All materials for early voting must be delivered to the county clerk's office *or the city clerk's office* at the close of voting on the last day for voting at the polling place for early voting.

Sec. 16. NRS 293.3598 is hereby amended to read as follows:

293.3598 1. A ballot board for early voting must be appointed by the county clerk to handle early voting ballots for that county.

[2. The] *A ballot board for early voting must be appointed by the city clerk to handle early voting ballots for that city.*

2. Each ballot board must consist of two co-chairmen who must be of different political parties and at least two other members who may be of the same political party as one of the co-chairmen but must not be of the same political party as any other member.

Sec. 17. NRS 293.3602 is hereby amended to read as follows:

293.3602 If paper ballots or ballots which are voted by punching a card are used during the period for early voting by personal appearance:

1. The ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the county clerk's office *or the city clerk's office* at the close of each voting day. The seal on the ballot box must indicate the number of voted ballots contained in that box for that day.

2. When the ballot box is delivered pursuant to subsection 1, the county *or city* clerk shall provide a new ballot box locked in the manner prescribed in NRS 293.359.

3. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county *or city* clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county *or city* clerk shall deliver to the *appropriate* ballot board for early voting:

(a) Each remaining ballot box containing the ballots voted early by personal appearance and his key to each box;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the call of the chairmen of the board, the custodian of the key to the second lock on the ballot boxes shall deliver his key for each box to the presiding officer.

5. Upon the receipt of ballots, the board shall:

(a) Remove all ballots from the ballot boxes and sort the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

6. The county *or city* clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 5 if those members do not interfere with the handling of the ballots.

Sec. 18. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day;

(5) The number of signatures in the roster for early voting for that day; and

(6) The number of voting receipts retained pursuant to NRS 293.3585 for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the secretary of state pursuant to NRS 293.3594.

2. At the close of the last voting day, the county *or city* clerk shall deliver to the *appropriate* ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting receipts retained pursuant to NRS 293.3585;

(c) The voting rosters used for early voting;

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(e) Any other items as determined by the county *or city* clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 19. NRS 293.3606 is hereby amended to read as follows:

293.3606 1. After 8 a.m. on election day, the appropriate board shall count in public the returns for early voting.

2. The returns for early voting must not be reported until after the polls have closed on election day.

3. The returns for early voting may be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of the voter's ballot.

4. The county *or city* clerk shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.

Sec. 20. NRS 293.3608 is hereby amended to read as follows:

293.3608 On election day the county *or city* clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record printed on paper of the total number of

votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) The items:

(1) Sorted and counted pursuant to subsection 3 of NRS 293.3604; or

(2) Counted pursuant to subsection 2 of NRS 298.360;

(b) The records printed on paper provided pursuant to subsection 1; and

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 21. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 30 feet from the entrance to the voting area.

2. During the period of early voting, the county *or city* clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker. No electioneering between this point and the entrance to the polling place."

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.".

Amend sec. 7, page 3, line 36, by deleting "35" and inserting "[35] *60*".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 25 and 26 and adding a new section designated sec. 24, following sec. 8, to read as follows:

"Sec. 24. NRS 293.543 is hereby amended to read as follows:

293.543 1. *If the registration of an elector is canceled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been declared sane or mentally competent by the district court.*

2. If the registration of an elector is canceled pursuant to subsection 3 of NRS 293.540, the elector may reregister after he presents written evidence from a court or governmental agency of this state which demonstrates that:

(a) His conviction has been overturned; or

(b) His civil rights have been restored.

[2.] *3.* If the registration of an elector is canceled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.

[3.] *4.* If the registration of an elector is canceled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.".

Amend the bill as a whole by renumbering sections 11 through 19 as sections 28 through 36 and adding a new section designated sec. 27, following sec. 10, to read as follows:

"Sec. 27. NRS 293.650 is hereby amended to read as follows:

293.650 1. The conduct of any city election is under the control of the city council, and it shall by ordinance provide for the holding of the election, appoint the necessary officers thereof, and do all other things required to carry the election into effect.

2. Early voting [must not be permitted] in a city election [.] *may be conducted pursuant to the provisions of NRS 293.356 to 293.361, inclusive.*".

Amend sec. 11, pages 6 and 7, by deleting lines 38 through 43 on page 6 and lines 1 through 6 on page 7 and inserting:

"293B.150 [No sooner] *Not earlier* than 2 weeks before [the election day,] *and not later than 5 p.m. on the day before the first day of early voting,* the county or city clerk *of a county or city that uses a mechanical recording device which directly records votes electronically* shall test the automatic tabulating equipment and programs to ascertain that the equipment and programs will correctly count the votes cast for all offices and on all measures.".

Amend sec. 16, page 10, line 32, by deleting "*commercial*".

Amend sec. 16, page 10, line 35, by deleting "*commercial*".

Amend sec. 16, page 10, line 37, by deleting "*commercial*".

Amend the bill as a whole by renumbering sections 20 through 23 as sections 39 through 42 and adding new sections designated sections 37 and 38, following sec. 19, to read as follows:

"Sec. 37. Section 1 of Assembly Bill No. 18 of this session is hereby amended to read as follows:

Section 1. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within [30] *100* feet from the entrance to the voting area.

2. During the period of early voting, the county or city clerk shall keep continuously posted:

Amend the title of the bill as follows: "An Act relating to elections; requiring the notification of registrars of voters and certain county clerks when a registered voter is adjudicated insane or mentally incompetent; revising the provision that limits the authorized number of registered voters for a precinct in which a mechanical voting system is used; requiring the county and city clerks to prescribe the color of the ballots used in an election; authorizing early voting by personal appearance in city elections; revising the period for filing an affidavit of candidacy for a city office; revising the period for filing an application to vote; revising the period for testing automatic tabulating equipment used in an election in certain counties and cities; authorizing the printing of ballots and other election materials outside this state under certain circumstances and with noncommercial printing establishments; revising the period for filing certain ballot questions with the county or city clerk; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 682.

Amend the bill as a whole by deleting section 1, renumbering sections 2 and 3 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

The phrase "0.08 percent or more by weight of alcohol in his blood" includes a concentration of alcohol in the blood or breath of a person of 0.08 gram or more by weight of alcohol:

1. Per 100 milliliters of his blood; or

2. Per 210 liters of his breath.

Sec. 2. NRS 484.013 is hereby amended to read as follows:

484.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484.0135 to 484.217, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.".

Amend sec. 2, pages 1 and 2, by deleting lines 8 through 13 on page 1 and lines 1 through 22 on page 2 and inserting:

"484.379 1. [It is unlawful for any person] *A person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access* who:

(a) Is under the influence of intoxicating liquor;

(b) Has 0.10 percent or more by weight of alcohol in his blood; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have 0.10 percent or more by weight of alcohol in his blood,

[to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any]

shall be punished as provided in NRS 484.3792.

2. A person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access who:

(a) Has 0.08 percent or more by weight of alcohol in his blood; or

(b) Is found by measurement within 2 hours after driving or being in physical control of a vehicle to have 0.08 percent or more by weight of alcohol in his blood,

and causes damage to the property of another or injury to another, or both, shall be punished as provided in NRS 484.3792.

3. A person who is [an] *a* habitual user of or under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle [to drive or be] *who is* in actual physical control of a vehicle on a highway or on premises to which the public has access [.] *shall be punished as provided in NRS 484.3792.* The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this state is not a defense against any charge of violating this subsection.

[3.] *4.* If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 *or paragraph (b) of subsection 2* that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood was tested, to cause the alcohol in his blood to equal or exceed *0.08 percent if the person caused damage to the property of another or injury to another, or both, or to equal or exceed* 0.10 percent [.] *regardless of damage or injury.* A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.".

Amend the bill as a whole by renumbering sections 4 through 10 as sections 6 through 12 and adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If a person is found guilty of a first violation, if the weight of alcohol in the defendant's blood at the time of the offense was [0.18] *0.12* percent or more, or any second violation of NRS 484.379 within 7 years, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

2. If a person is convicted of a first violation of NRS 484.379 and he is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4 or 5, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) A counselor certified to make that evaluation by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;

(b) A physician certified to make that evaluation by the board of medical examiners; or

(c) A person who is approved to make that evaluation by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation,

who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this state outside an evaluation center shall not charge an offender more than $100 for the evaluation.".

Amend sec. 5, page 5, by deleting lines 36 and 37 and inserting: "shows that a person had *0.08 percent or more by weight of alcohol in his blood at the time of the test if he caused damage to the property of another or injury to another, or both, or that he had* 0.10 percent or more by weight of alcohol in his blood at the time of the test [,] *regardless of damage or injury,* his license, permit or privilege to drive".

Amend sec. 5, page 5, by deleting lines 42 and 43 and inserting: "which was based on his having *0.08 percent or more by weight of alcohol in his blood if he caused damage to the property of another or injury to another, or both, or based on his having* 0.10 percent or more by weight of alcohol in his blood [,] *regardless of damage or injury,* the department shall cancel the revocation under that".

Amend sec. 6, page 6, by deleting lines 9 and 10 and inserting: "person who has *0.08 percent or more by weight of alcohol in his blood if he caused damage to the property of another or injury to another, or both, who has* 0.10 percent or more by weight of alcohol in his blood *regardless of damage or injury* or *who* has a detectable amount of a controlled substance in his system, if ".

Amend sec. 6, page 6, by deleting lines 22 and 23 and inserting: "then present, had *0.08 percent or more by weight of alcohol in his blood if he caused damage to the property of another or injury to another, or both, had* 0.10 percent or more by weight of alcohol in his blood *regardless of damage or injury* or had a detectable amount of a controlled substance in his system, the".

Amend sec. 6, page 6, by deleting lines 27 and 28 and inserting: "had been driving or in actual physical control of a vehicle with *0.08 percent or more by weight of alcohol in his blood if he caused damage to the property of another or injury to another, or both, with* 0.10 percent or more by weight of alcohol in his blood *regardless of damage or injury* or with a detectable".

Amend sec. 7, page 8, by deleting lines 2 and 3 and inserting: "person, at the time of the test, had *0.08 percent or more by weight of alcohol in his blood if he caused damage to the property of another or injury to another, or both, had* 0.10 percent or more by weight of alcohol in his blood *regardless of damage or injury* or *had* a detectable amount of a controlled substance in his".

Amend sec. 8, page 8, by deleting lines 24 and 25 and inserting: "the influence of intoxicating liquor , *with 0.08 percent or more by weight of alcohol in his blood if he caused damage to the property of another or injury to another, or both,* or with 0.10 percent or more by weight of alcohol in his blood [;] *regardless of damage or injury;*".

Amend sec. 9, page 9, by deleting lines 10 through 15 and inserting:

"488.2055 As used in NRS 488.206 and section 4 of [this act] *Assembly Bill No. 243,* the phrase :

1. "0.08 percent or more by weight of alcohol in his blood" includes a concentration of alcohol in the blood or breath of a person of 0.08 gram or more by weight of alcohol:

(a) Per 100 milliliters of his blood; or

(b) Per 210 liters of his breath.

2. "0.10 percent or more by weight of alcohol in his blood" includes a concentration of alcohol in the blood or breath of a person of 0.10 gram or more by weight of alcohol:

[1.] *(a)* Per 100 milliliters of his blood; or

[2.] *(b)* Per 210 liters of his breath.".

Amend sec. 10, page 9, by deleting lines 17 through 43 and inserting:

"488.206 1. [It is unlawful for any person] *A person who operates or is in actual physical control of a vessel under power or sail on the waters of this state* who:

(a) Is under the influence of intoxicating liquor;

(b) Has 0.10 percent or more by weight of alcohol in his blood; or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have 0.10 percent or more by weight of alcohol in his blood,

[to operate or be in actual physical control of a vessel under power or sail on the waters of this state.

2. It is unlawful for any person]

shall be punished as provided in NRS 488.365.

2. A person who operates or is in actual physical control of a vessel under power or sail on the waters of this state who:

(a) Has 0.08 percent or more by weight of alcohol in his blood; or

(b) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have 0.08 percent or more by weight of alcohol in his blood,

and causes damage to the property of another or injury to another, or both, shall be punished as provided in NRS 488.365.

3. A person who operates or is in actual physical control of a vessel under power or sail on the waters of this state who:

(a) Is under the influence of any controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or exercising actual physical control of a vessel under power or sail,

[to operate or exercise actual physical control of a vessel under power or sail on the waters of this state.

3.]

shall be punished as provided in NRS 488.365.

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 *or paragraph (b) of subsection 2* that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood was tested, to cause the alcohol in his blood to equal or exceed *0.08 percent if he caused damage to the property of another or injury to another, or both, or to equal or exceed* 0.10 percent [.] *regardless of damage or injury.* A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.".

Amend the bill as a whole by deleting sections 11 and 12, renumbering sections 13 and 14 as sections 14 and 15 and inserting a new section designated sec. 13, following sec. 10, to read as follows:

"Sec. 13. Section 4 of Assembly Bill No. 243 of this session is hereby amended to read as follows:

Sec. 4. 1. A person who:

(a) Is under the influence of intoxicating liquor;

(b) Has [0.10] *0.08* percent or more by weight of alcohol in his blood;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have [0.10] *0.08* percent or more by weight of alcohol in his blood;

(d) Is under the influence of a controlled substance, or under the combined influence of intoxicating liquor and a controlled substance; or

(e) Inhales, ingests, applies or otherwise uses [any] *a* chemical, poison or organic solvent, or [any] *a* compound or combination of any of these, to a degree which renders him incapable of safely operating or being in actual physical control of a vessel under power or sail,

and does [any] *an* act or neglects [any] *a* duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, [be segregated from offenders whose crimes were violent and, insofar as practicable,] be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason

unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his blood was tested, to cause the alcohol in his blood to equal or exceed [0.10] *0.08* percent. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.".

Amend sec. 14, page 11, lines 6 and 7, by deleting: "2 and 4 to 11, inclusive," and inserting: "2, 3, 6 to 10, inclusive, and 12".

Amend sec. 14, page 11, line 9, by deleting "section 3" and inserting: "sections 4 and 13".

Amend the bill as a whole by deleting sec. 15.

Amend sec. 16, page 11, by deleting line 17 and inserting:

"Sec. 16. Sections 4, 5, 11 and 13 of this act become effective at 12:01 a.m. on".

Amend the title of the bill to read as follows: "An Act relating to substances causing impairment; providing penalties for a person who operates a vehicle or vessel with 0.08 percent or more by weight of alcohol in his blood and who causes damage to the property of another or injury to another; reducing the blood alcohol content of a first time offender for whom a court is required to order an evaluation to determine if he is an abuser of alcohol or drugs; increasing the penalty for a conviction of driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing operation of motor vehicle or vessel while under influence of intoxicating liquor or controlled substance. (BDR 43-1078)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 472.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 585.

Amend sec. 4, page 1, line 8, by deleting "*"Garage"* "and inserting "*1. "Garage"* ".

Amend sec. 4, page 2, by deleting lines 1 through 7 and inserting:

"*(a) Repair of the:*

(1) Engine;

(2) Brake system;

(3) Transmission system;

(4) Drivetrain system;

(5) Heating and air conditioning system;

(6) Cooling system; or

(7) Muffler and exhaust system;

(b) Engine tune up;

(c) Diagnostic testing;

(d) Alignment; or

(e) Oil change and lubrication.

2. "Garage" does not include a business establishment, sole proprietorship, firm, corporation, association or other legal entity that does not perform services on motor vehicles for members of the general public.".

Amend sec. 9, page 3, line 18, by deleting: "*approves an application for registration,*" and inserting: "*receives an application for registration that contains the information required by section 8 of this act,*".

Amend sec. 11, page 3, line 38, by deleting "*nine*" and inserting "*12*".

Amend sec. 11, page 4, line 8, by deleting "*and* ".

Amend sec. 11, page 4, line 10, by deleting the italicized period and inserting an italicized semicolon.

Amend sec. 11, page 4, between lines 10 and 11 by inserting:

"*(i) Two members of the general public, one of whom must be appointed by the senate majority leader and one of whom must be appointed by the speaker of the assembly; and*

(j) One member who represents the body shop industry, appointed by the governor.".

Amend sec. 12, page 5, line 8, by deleting "*Identify*" and inserting "*Identify, study*".

Amend sec. 12, page 5, line 10, by deleting "*division;*" and inserting: "*division for the establishment of an effective and complete system of mediation and arbitration;*".

Amend the bill as a whole by renumbering sections 27 through 29 as sections 29 through 31 and adding new sections designated sections 27 and 28, following sec. 26, to read as follows:

"Sec. 27. Section 3 of Assembly Bill No. 134 of this session is hereby amended to read as follows:

Sec. 3. NRS 487.070 is hereby amended to read as follows:

487.070 1. The department may approve or reject the application and, if approved, shall issue to the applicant:

(a) A license containing the applicant's name [,] *and* address, the name under which the business is to be conducted, the business address, and a distinguishing number assigned to the applicant.

(b) A card which:

(1) Contains the information specified in paragraph (a);

(2) Includes a picture of the licensee; and

(3) Clearly identifies the holder of the card as a licensed automobile wrecker.

2. A licensee may obtain one or two cards for his business. The department shall charge a fee of $50 for each card issued. Fees collected by the department pursuant to this subsection must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers, body shops and garages.

3. A license expires on [December 31 of the year for which it is issued.] *April 30 of each year.*

4. A licensee may renew his license by submitting to the department:

(a) A completed application for renewal upon a form supplied by the department; and

(b) The fee for renewal of a license provided in NRS 487.080.

Sec. 28. Section 7 of Assembly Bill No. 134 of this session is hereby amended to read as follows:

Sec. 7. NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the department upon forms supplied by the department. The application must be accompanied by such proof as the department requires to demonstrate that the applicant meets the statutory requirements to operate a body shop.

2. The department shall charge a fee of $300 for the issuance or renewal of a license to operate a body shop. Fees collected by the department pursuant to this subsection must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers, body shops and garages.

3. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the department shall issue to the applicant a license to operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall display the license number prominently in the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on [December 31 of the year for which it is issued.] *April 30 of each year.*

6. A licensee may renew his license by submitting to the department:

(a) A completed application for renewal upon a form supplied by the department; and

(b) The fee for renewal of a license provided in subsection 2.".

Amend sec. 29, page 9, line 41, by deleting "28," and inserting "30,".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Assemblywoman Chowning moved that Assembly Bill No. 472 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 680.

Amend sec. 3, page 2, line 29, by deleting "*"Communication*" and inserting: "*"Good faith communication*".

Amend sec. 3, page 2, line 31, by deleting "*Activity*" and inserting "*Communication*".

Amend sec. 3, page 2, line 39, by deleting "*law.*" and inserting: "*law, which is truthful or is made without knowledge of its falsehood.*".

Amend sec. 5, page 3, by deleting lines 3 and 4 and inserting: "governmental entity] *A person who engages in a good faith communication in furtherance of the right to*".

Amend sec. 5, page 3, by deleting lines 7 through 12.

Amend sec. 6, page 3, line 18, after "*upon a*" by inserting "*good faith*".

Amend the preamble of the bill, page 2, by deleting lines 15 and 16 and inserting

"WHEREAS, It".

Amend the title of the bill, second line, after "in a" by inserting "good faith".

Amend the summary of the bill, first line, after "in" by inserting "good faith".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 497.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 679.

Amend section 1, page 2, line 1, by deleting "*2*" and inserting: "*fixed or may be locked and which is 2 1/2*".

Amend section 1, page 2, line 4, after "*handle.*" by inserting: "*The term includes, without limitation, a butterfly knife.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson, Freeman and Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 546 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblywoman Freeman moved that Assembly Bill No. 11 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Joint Resolution No. 15.

Remarks by Assemblywoman Freeman.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 501.

Bill read second time.

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

Amendment No. 600.

Amend the bill as a whole by renumbering sections 5 through 13 as sections 6 through 14 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. Chapter 350 of NRS is hereby amended by adding thereto a new section to read as follows:

The governing body of a municipality whose population is 50,000 or more, subject to any contractual limitations from time to time imposed upon the municipality by any ordinance authorizing the issuance of outstanding securities of the municipality or by any trust indenture or other proceedings appertaining thereto, may cause to be invested and reinvested, except as otherwise provided in NRS 350.698, any proceeds of taxes, any pledged

revenues and any proceeds of bonds or other municipal securities issued hereunder for which the amount of the principal of the original issuance was $40,000,000 or more in an investment contract that is collateralized with securities issued by the Federal Government or agencies of the Federal Government if:

1. The collateral has a market value of at least 102 percent of the amount invested and any accrued unpaid interest thereon;

2. The municipality receives a security interest in the collateral that is fully perfected and the collateral is held in custody for the municipality or its trustee by a third-party agent of the municipality which is a commercial bank authorized to exercise trust powers;

3. The market value of the collateral is determined not less frequently than weekly and, if the ratio required by subsection 1 is not met, sufficient additional collateral is deposited with the agent of the municipality to meet that ratio within 2 business days after the determination; and

4. The party with whom the investment contract is executed is a commercial bank, or that party or a guarantor of the performance of that party is:

(a) An insurance company which has a rating on its ability to pay claims of not less than "Aa2" by Moody's Investors Service, Inc., or "AA" by Standard and Poor's Ratings Services, or their equivalent; or

(b) An entity which has a credit rating on its outstanding long-term debt of not less than "A2" by Moody's Investors Service, Inc., or "A" by Standard and Poor's Ratings Services, or their equivalent.".

Amend sec. 8, page 9, line 13, by deleting "*inclusive.*" and inserting: "*inclusive, and section 5 of this act.*".

Amend sec. 10, page 12, between lines 25 and 26, by inserting:

"*(f) Any other investment in which a city may invest pursuant to NRS 355.170.*".

Amend the bill as a whole by renumbering sec. 14 as sec. 16 and adding a new section designated sec. 15, following sec. 13, to read as follows:

"Sec. 15. NRS 355.165 is hereby amended to read as follows:

355.165 1. The local government pooled long-term investment account is hereby created. The account must be administered by the state treasurer.

2. All of the provisions of NRS 355.167 apply to the local government pooled long-term investment account.

3. In addition to the investments which are permissible pursuant to subsection 3 of NRS 355.167, the treasurer may invest the money in the local government pooled long-term investment account in [mutual] *:*

(a) Mutual funds which:

[(a)] *(1)* Are registered with the Securities and Exchange Commission;

[(b)] *(2)* Are rated in the highest rating category by at least one nationally recognized rating service; and

[(c)] *(3)* Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities.

(b) An investment contract that is collateralized with securities issued by the Federal Government or agencies of the Federal Government if:

(1) The collateral has a market value of at least 102 percent of the amount invested and any accrued unpaid interest thereon;

(2) The treasurer receives a security interest in the collateral that is fully perfected and the collateral is held in custody for the state by a third-party agent of the state which is a commercial bank authorized to exercise trust powers;

(3) The market value of the collateral is determined not less frequently than weekly and, if the ratio required by subparagraph (1) is not met, sufficient additional collateral is deposited with the agent of this state to meet that ratio within 2 business days after the determination; and

(4) The party with whom the investment contract is executed is a commercial bank, or that party or a guarantor of the performance of that party is:

(I) An insurance company which has a rating on its ability to pay claims of not less than "Aa2" by Moody's Investors Service, Inc., or "AA" by Standard and Poor's Ratings Services, or their equivalent; or

(II) An entity which has a credit rating on its outstanding long-term debt of not less than "A2" by Moody's Investors Service, Inc., or "A" by Standard and Poor's Ratings Services, or their equivalent.

4. In addition to the reasonable charges against the account which the state treasurer may assess pursuant to subsection 7 of NRS 355.167, the state treasurer may, in the case of a local government pooled long-term investment account, assess the costs:

(a) Associated with a calculation of any rebate of arbitrage profits which is required to be paid to the Federal Government by 26 U.S.C. § 148; and

(b) Of contracting with qualified persons to assist in the:

(1) Calculation of any rebate of arbitrage profits which is required to be paid to the Federal Government by 26 U.S.C. § 148; and

(2) Administration of the account.

5. In addition to the quarterly computations of interest to be reinvested for or paid to each participating local government pursuant to subsection 8 of NRS 355.167, the state treasurer may, in the case of a local government pooled long-term investment account, compute and reinvest or pay the interest more frequently. He may also base his computations on the amount of interest accrued rather than the amount received.

6. The treasurer may establish one or more separate subaccounts in the local government pooled long-term investment account for identified

investments that are made for and allocated to specific participating local governments.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 501 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

Senate Bill No. 186.

Bill read second time and ordered to third reading.

Senate Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 689.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. 1. There is hereby appropriated from the state general fund to the real estate division of the department of business and industry the sum of $13,607 for costs related to the administration of examinations.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1997, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 3, page 2, by deleting line 29 and inserting:

"Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval or on June 30, 1997, whichever occurs earlier.

2. Sections 1 and 2 of this act become effective on July 1, 1997.".

Amend the title of the bill, third line, after "division;" by inserting: "making an appropriation;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 265.

Bill read second time and ordered to third reading.

Senate Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 650.

Amend sec. 24, page 20, line 35, after "*acknowledged*" by inserting: "*, and a certificate of acceptance of appointment executed by the resident agent of the corporation,*".

Amend sec. 24, page 20, by deleting line 38 and inserting: "*82.146 or 82.176, it must comply with the provisions of those sections and pay the fees required*".

Amend sec. 29, page 23, by deleting lines 20 and 21 and inserting:

"3. The [signatures and acknowledgments of the incorporators] *following* may be omitted from the restated articles [.] *:*

(a) The names, addresses, signatures and acknowledgments of the incorporators;

(b) The names and addresses of the members of the past and present board of directors; and

(c) The name and address of the resident agent.".

Amend sec. 83, page 44, line 36, after "sections" by inserting "23,".

Amend sec. 83, page 45, line 1, by deleting "23," and inserting "22,".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 377.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 651.

Amend section 1, page 2, line 5, by deleting:

"*4 or 5,*" and inserting "*4,*".

Amend section 1, page 2, by deleting lines 30 through 33.

Amend section 1, page 2, line 34, by deleting "*6.*" and inserting "*5.*".

Amend section 1, page 2, line 39, by deleting "*7.*" and inserting "*6.*".

Amend section 1, page 2, line 41, by deleting "*8.*" and inserting "*7.*".

Amend sec. 2, page 5, by deleting lines 7 and 8 and inserting: "*by a violent physical act against a person protected by the order, the court shall:*".

Amend sec. 2, page 5, line 9, by deleting "*(1)*" and inserting "*(a)*".

Amend sec. 2, page 5, line 12, by deleting "*(2)*" and inserting "*(b)*".

Amend sec. 2, page 5, by deleting lines 19 through 22.

Amend sec. 5, page 6, line 34, after "*NRS* " by inserting: "*33.017 to 33.100, inclusive, or*".

Amend sec. 6, page 7, by deleting lines 23 and 24 and inserting: "*adverse party against a person protected by the order, the court shall:*".

Amend sec. 6, page 7, line 25, by deleting "*(1)*" and inserting "*(a)*".

Amend sec. 6, page 7, line 27, by deleting "*(2)*" and inserting "*(b)*".

Amend sec. 6, page 7, line 32, by deleting "*(3)*" and inserting "*(c)*".

Amend sec. 6, page 7, by deleting lines 34 through 37.

Amend sec. 7, page 8, by deleting lines 36 and 37 and inserting: "*violent physical act against a person protected by the order or injunction, the court shall:*".

Amend sec. 7, page 8, line 38, by deleting "*(1)*" and inserting "*(a)*".

Amend sec. 7, page 8, line 41, by deleting "*(2)*" and inserting "*(b)*".

Amend sec. 7, page 9, line 3, by deleting "*(3)*" and inserting "*(c)*".

Amend sec. 7, page 9, by deleting lines 5 through 8.

Amend sec. 13, page 9, by deleting lines 28 and 29 and inserting: "*following offenses if committed, attempted or conspired to be committed by the defendant against a person listed in subsection 2 for which the defendant is convicted of a misdemeanor or gross misdemeanor:*".

Amend sec. 13, page 9, by deleting lines 32 and 33.

Amend sec. 13, page 9, line 34, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 13, page 9, line 35, by deleting "*(e)*" and inserting "*(d)*".

Amend sec. 13, page 9, line 37, by deleting "*(f)*" and inserting "*(e)*".

Amend sec. 13, page 9, line 38, by deleting "*(g)*" and inserting "*(f)*".

Amend sec. 13, page 9, line 40, by deleting "*(h)*" and inserting "*(g)*".

Amend sec. 13, page 9, line 41, by deleting "*(i)*" and inserting "*(h)*".

Amend sec. 13, page 9, line 42, by deleting "*(j)*" and inserting "*(i)*".

Amend sec. 13, page 9, line 43, by deleting "*(k)*" and inserting "*(j)*".

Amend sec. 13, page 10, line 1, by deleting "*(l)*" and inserting "*(k)*".

Amend sec. 13, page 10, line 3, by deleting "*(m)*" and inserting "*(l)*".

Amend sec. 13, page 10, by deleting line 4 and inserting:

"*(m) Burglary or invasion of the home pursuant to NRS 205.060 to 205.080,*".

Amend sec. 13, page 10, line 6, by deleting "*(o)*" and inserting "*(n)*".

Amend sec. 13, page 10, line 8, by deleting "*(p)*" and inserting "*(o)*".

Amend sec. 13, page 10, line 9, by deleting "*(q)*" and inserting "*(p)*".

Amend sec. 13, page 10, line 11, by deleting "*(r)*" and inserting "*(q)*".

Amend sec. 13, page 10, line 12, by deleting "*(s)*" and inserting "*(r)*".

Amend sec. 13, page 10, line 13, by deleting "*(t)*" and inserting "*(s)*".

Amend sec. 13, page 10, line 14, by deleting "*(s),*" and inserting "*(r),*".

Amend sec. 13, page 10, line 15, by deleting "*(u)*" and inserting "*(t)*".

Amend sec. 13, page 10, line 28, after "*blood* " by inserting "*, marriage*".

Amend sec. 14, pages 10 and 11, by deleting lines 42 through 44 on page 10 and lines 1 through 6 on page 11 and inserting: "*domestic violence and the underlying offense is a misdemeanor, the court shall sentence the defendant to:*

(a) A term of imprisonment of not less than 2 days and not more than 6 months; and

(b) Perform not less than 48 hours of community service,

unless a more severe sentence is prescribed by statute for the underlying offense.

2. If a defendant is convicted of an offense relating to domestic violence and the underlying offense is a gross misdemeanor, the court shall sentence the defendant to:

(a) A term of imprisonment of not less than 10 days and not more than 1 year; and

(b) Perform not less than 200 hours of community service,

unless a more severe sentence is prescribed by statute for the underlying offense.".

Amend sec. 14, page 11, line 7, by deleting "*2.*" and inserting "*3.*".

Amend sec. 14, page 11, line 13, by deleting "*10* " and inserting "*2*".

Amend sec. 14, page 11, line 14, by deleting "*20* " and inserting "*10* ".

Amend sec. 14, page 11, by deleting lines 16 through 21.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 13, 184, 227, 254, 411, 527; Assembly Joint Resolution No. 15 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 294 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 11.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 411 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Freeman moved that Assembly Bill No. 13 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Freeman.

Motion carried.

Assemblyman Price moved that Senate Bill No. 364 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 11.

Remarks by Assemblyman Price.

Motion carried.

Assemblyman Perkins moved that for this legislative day, all rules be suspended and that all bills and resolutions passed by the Assembly be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 165.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 691.

Amend sec. 30, page 8, line 1, by deleting: "that was not identified" and inserting: "of which the cost of repair or replacement was not limited by provisions".

Amend sec. 30, page 8, by deleting lines 5 and 6 and inserting:

"(b) Close escrow and accept the property with the defect as revealed by the seller or his agent without further recourse.".

Amend sec. 30, page 8, by deleting line 18 and inserting: "property was conveyed to the purchaser and of which the cost of repair or replacement was not limited by provisions in the".

Amend the bill as a whole by renumbering sec. 31 as sec. 32 and adding a new section designated sec. 31, following sec. 30, to read as follows:

"Sec. 31. 1. There is hereby appropriated from the state general fund to the real estate division of the department of business and industry for costs related to the certification of inspectors of structures:

For the fiscal year 1997-1998..... $36,556

For the fiscal year 1998-1999..... $27,524

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 31, page 8, by deleting lines 39 and 40 and inserting:

"Sec. 32. 1. This section and section 31 of this act become effective on July 1, 1997.

2. Sections 1 to 15, inclusive, 17 to 27, inclusive, and 29 of this act become effective on October 1, 1997.

3. Section 30 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Amend sec. 31, page 8, line 41, by deleting "2." and inserting "4.".

Amend the title of the bill, third line, after "penalties;" by inserting: "making an appropriation;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 184.

Bill read third time.

Remarks by Assemblymen Ernaut and Perkins.

Potential conflict of interest declared by Assemblyman Perkins.

Roll call on Assembly Bill No. 184:

YEAS — 42.

NAYS — None.

Assembly Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 208.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 208:

YEAS — 42.

NAYS — None.

Assembly Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 227:

YEAS — 42.

NAYS — None.

Assembly Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 254:

YEAS — 40.

NAYS — None.

Not voting — Lambert, Sandoval — 2.

Assembly Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 527.

Bill read third time.

Remarks by Assemblymen Bache and Goldwater.

Roll call on Assembly Bill No. 527:

YEAS — 42.

NAYS — None.

Assembly Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 548.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 548:

YEAS — 42.

NAYS — None.

Assembly Bill No. 548 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 15.

Resolution read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Joint Resolution No. 15:

YEAS — 42.

NAYS — None.

Assembly Joint Resolution No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 11.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 697.

Amend sec. 5, page 3, by deleting line 13 and inserting: "449.001 to 449.240, inclusive, [and] sections 2 to 7, inclusive, of [this act.] *Assembly Bill No. 155 of this session and sections 2, 3 and 4 of this act.*".

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

"Sec. 8. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 364.

Bill read third time.

The following amendment was proposed by Assemblyman Price:

Amendment No. 684.

Amend section 1, page 1, line 7, after "*in*" by inserting: "*the assessment of*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 294.

Bill read third time.

The following amendment was proposed by Assemblymen Perkins, Buckley, Anderson, Ernaut and Hettrick:

Amendment No. 696.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 16 and 17 and adding new sections designated sections 1 through 15, following the enacting clause, to read as follows:

"Section 1. Chapter 164 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *Sections 2 to 15, inclusive, of this act may be cited as the Uniform Management-of-Institutional-Funds Act.*

Sec. 3. *As used in sections 2 to 15, inclusive, of this act, the words and terms defined in sections 4 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Donative instrument" means a will, deed, grant, conveyance, agreement, memorandum, writing or other governing document, including the terms of any institutional solicitations from which an institutional fund resulted, under which property is transferred to or held by an institution as an institutional fund.*

Sec. 5. *"Endowment fund" means an institutional fund, or any part of the fund, not wholly expendable by the institution currently under the terms of the applicable donative instrument.*

Sec. 6. *"Governing board" means the body responsible for the management of an institution or institutional fund.*

Sec. 7. *"Historical monetary value" means the aggregate fair value in money of an endowment fund at the time it became an endowment fund, each subsequent donation to the fund at the time it is made, or each accumulation made pursuant to a direction in the applicable donative instrument at the time the accumulation is added to the fund.*

Sec. 8. *"Institution" means an organization, whether or not incorporated, organized and operated exclusively for educational, religious, charitable or other eleemosynary purposes, or a governmental organization to the extent that it holds funds exclusively for any of these purposes.*

Sec. 9. *"Institutional fund" means a fund held by an institution for its exclusive use, benefit or purposes, but does not include a fund held for an institution by a trustee that is not an institution or a fund in which a beneficiary that is not an institution has an interest other than possible rights that could arise upon violation or failure of the purposes of the fund.*

Sec. 10. *1. A governing board may appropriate for expenditure for the uses and purposes for which an endowment fund is established so much of the net appreciation, realized and unrealized, in the fair value of the assets of the fund over the historical monetary value of the fund as is prudent under the standard established by section 14 of this act. This section does not limit the authority of the governing board to expend funds as permitted under other law, the terms of the applicable donative instrument or the charter of the institution.*

2. A determination of historical monetary value made in good faith by the institution is conclusive.

Sec. 11. *1. Section 10 of this act does not apply if the applicable donative instrument indicates the donor's intention that net appreciation may not be expended. A restriction upon the expenditure of net appreciation may not be implied from a designation of a gift as an endowment, or from a direction or authorization in the applicable donative instrument to use only "income," "interest," "dividends," or "rents, issues or profits," or "to preserve the principal intact," or a direction that contains other words of similar import.*

2. This rule of construction applies to donative instruments executed or in effect before, on or after October 1, 1997.

Sec. 12. *In addition to an investment otherwise authorized by law or by the applicable donative instrument, and without restriction to investments a fiduciary may make, a governing board, subject to any specific limitations set forth in the applicable donative instrument or in the applicable law other than law relating to investments by a fiduciary, may:*

1. Invest and reinvest an institutional fund in any real or personal property deemed advisable by the governing board, whether or not it produces a current return, including mortgages, stocks, bonds, debentures and other securities of profit or nonprofit corporations, shares in or obligations of associations, partnerships or natural persons, and obligations of any government or governmental subdivision or instrumentality;

2. Retain property contributed by a donor to an institutional fund for as long as the governing board deems advisable;

3. Include all or any part of an institutional fund in any pooled or common fund maintained by the institution; and

4. Invest all or part of an institutional fund in any other pooled or common fund available for investment, including shares or interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts or similar organizations in which funds are commingled and investments are determined by persons other than the governing board.

Sec. 13. *Except as otherwise provided by the applicable donative instrument or by applicable law relating to governmental institutions or funds, a governing board may:*

1. Delegate to its committees, officers or employees of the institution or the fund, or agents, including investment counsel, the authority to act in place of the board in investment and reinvestment of institutional funds;

2. Contract with independent investment advisers, investment counsel or managers, banks, or trust companies, so to act; and

3. Authorize the payment of compensation for advisory or managerial services.

Sec. 14. *1. In the administration of the powers to appropriate appreciation, to make and retain investments, and to delegate management of the investment of institutional funds or of property held as an investment, members of a governing board shall exercise ordinary care and prudence, appropriate to the character of the institution, under the facts and circumstances prevailing at the time of the action or decision. In so doing, they shall consider present and future needs of the institution in carrying out its educational, religious, charitable or other eleemosynary purposes, present and anticipated financial requirements, expected total return on its investments, price level trends and general economic conditions.*

2. Each investment must be considered in its relation to other investments made or contemplated.

Sec. 15. *1. With the written consent of the donor, a governing board may release, in whole or in part, a restriction imposed by the applicable donative instrument on the use or investment of an institutional fund.*

2. If the written consent of a donor cannot be obtained by reason of his death, disability, unavailability or impossibility of identification, the governing board may apply in the name of the institution to the district court for release of a restriction imposed by the applicable donative instrument on the use or investment of an institutional fund. The attorney general must be notified of the application and given an opportunity to be heard. If the court finds that the restriction is obsolete, inappropriate or impracticable, it may by order release the restriction in whole or in part. A release under this subsection may not change an endowment fund to a fund that is not an endowment fund.

3. A release under this section may not allow a fund to be used for purposes other than the educational, religious, charitable or other eleemosynary purposes of the institution affected.

4. This section does not limit the application of the doctrine of applying a charitable gift as nearly as possible in conformity with the intention of the donor.".

Amend the title of the bill, first line, by deleting "education;" and inserting: "financial administration; providing standards for the investment and management of money for eleemosynary purposes;".

Amend the summary of the bill to read as follows: "Summary—Adopts Uniform Management-of-Institutional-Funds Act and authorizes disclosure of financial records of postsecondary educational institution under certain circumstances. (BDR 13-401)".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 15.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 673.

Amend sec. 5, page 4, line 15, by deleting "*6.*" and inserting "*5.*".

Amend sec. 5, page 5, by deleting lines 5 through 12 and inserting: "*4. A member of the board*".

Amend sec. 5, page 5, line 22, by deleting "*6.*" and inserting "*5.*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Carpenter, Humke, Anderson and Lambert.

Amendment lost.

Assemblyman Arberry moved that Senate Bill No. 15 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 247.

Bill read third time.

Remarks by Assemblymen Nolan and Price.

Roll call on Senate Bill No. 247:

YEAS — 42.

NAYS — None.

Senate Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 258.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 258:

YEAS — 42.

NAYS — None.

Senate Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 344, 353, 358, 359, 369, 370, 407, 408 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 17, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 209, 271, 422.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended Senate Bills Nos. 100, 127, 148, 197, 251, 256, 349, 374, 405, 414, 423.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 12.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolutions Nos. 13, 16.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 100, 127, 148, 197, 209, 251, 256, 271, 349, 374, 405, 414, 422, 423; Senate Joint Resolutions Nos. 12, 13, 16 be placed on the Introduction, First Reading and Reference File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 100.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 127.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 148.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 197.

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

Motion carried.

Senate Bill No. 209.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 251.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 256.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 271.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 349.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 374.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 405.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 414.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 422.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 423.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Joint Resolution No. 12.

Assemblyman Perkins moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

Senate Joint Resolution No. 13.

Assemblyman Perkins moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Senate Joint Resolution No. 16.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 223, 263, 274, 509; Assembly Concurrent Resolution No. 36; Assembly Resolution No. 13; Senate Concurrent Resolution No. 49.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Marjorie Henze.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Sydney Krueger, Donald Krueger, Liz Krueger, Breann Simpson, Diana Adams, Jeff Adams, Kristina Finch, Darrel Finch, Linda Finch, Melanie Nowlin, Dorothy Leas, Dennis Leas, Christina Mitchell, Francis Ortiz, James Ortiz and Kimberly Finch.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Christy Haynes, Kay Elliott, Rosemary Peters, Kathy Toigo and Oleg Evanov.

On request of Assemblywoman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Leigh Ann Thompson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Gretchen Stauts.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Furman.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to John Wilson.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Kerlissa Bitah, Lani Bryan, Jasmine Fragoso, Anita Gunter, Alexandria Keeble, Max Krochmal, Lorena Levine, Tasha Martinez, Anna Ramaklus, Todd Smith, Jessica Testa, Kara Patin, Samuel Autman, Larry Baden, Crystal Chow, Greg Bortolin, Migan Inez, Paul Mitchell, Echo Rabideaux and Laura Wagner.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Lindsay.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, June 18, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 1:02 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

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The Journal of the Assembly

OF THE

SIXTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1997

BEGUN ON MONDAY, THE TWENTIETH DAY OF JANUARY, AND ENDED ON MONDAY, THE SEVENTH DAY OF JULY

VOLUME 2

THE ONE HUNDRED AND FIFTIETH DAY—
THE ONE HUNDRED AND SIXTY-NINTH DAY

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SPO, Carson City, Nevada, 1998

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THE ONE HUNDRED AND FIFTIETH DAY

CARSON CITY (Wednesday), June 18, 1997

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by First Reader, Barbara Yochum.

Dear Lord, we come before You today with thanksgiving and praise. We ask Your Spirit and blessing upon the members of this Assembly. We humbly seek Your guidance and wisdom in all matters coming before this body. And if there is a matter that seems perplexing, may this Assembly be reminded to turn to You—each in their own way and in their own words—seeking Your divine direction. May their human footsteps then help to unfold Your supreme plan for this great State of Nevada. We know You as a good and glorious God—and we thank You for all the good that will be accomplished here today. In the Precious Name of Your son. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

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

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Government Affairs.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 513, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Taxation.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 335, 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 404, 494, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was re-referred Assembly Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 17, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 84, 99, 125, 128, 427 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 27.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman de Braga moved that Senate Bill No. 414 be re-referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 11, 165, 217, 218, 294, 414, 485, 497; Senate Bills Nos. 230, 294, 297, 364 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that for the balance of the session, all rules be suspended and that all Assembly bills and resolutions passed by the Assembly be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Perkins moved that for the balance of the session, Assembly Standing Rule No. 92 be suspended.

Remarks by Assemblyman Perkins.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 614—An Act relating to dangerous weapons; prohibiting certain persons from bringing a dangerous weapon into a public building; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 615—An Act relating to the practice of law; requiring an applicant for a license to practice law in this state to submit to the State Bar of Nevada a complete set of his fingerprints and written permission to forward the fingerprints to the Federal Bureau of Investigation for its report; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 616—An Act relating to taxation; creating the Lake Tahoe Convention and Visitor's Authority; imposing a separate tax on lodging within the Lake Tahoe basin in Douglas County; excluding that area from the operation of the Douglas County Lodgers Tax Law; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 617—An Act relating to industrial insurance; establishing deemed wages for officers of limited-liability companies for the purposes of industrial insurance; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 118.

Bill read second time.

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

Amendment No. 530.

Amend the bill as a whole by deleting sections 1 through 24 and the leadlines of repealed sections and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section. 1. NRS 278.021 is hereby amended to read as follows:

278.021 1. The [purpose] *purposes* of this section [is to remove] *are to:*

(a) Remove obstacles imposed by zoning ordinances, declarations of restrictions, deed restrictions, restrictive covenants and equitable servitudes *; and*

(b) Prevent the concentration of group homes in a residential neighborhood,

which prevent persons [who are mentally retarded] *with disabilities* from living in normal residences [.] *throughout the entire community.*

2. In any ordinance adopted by a [city or county,] *county or city,* the definition of "single-family residence" must include a [home in which six or fewer unrelated persons who are mentally retarded reside with one or two additional persons to act as house parents or guardians who need not be related to each other or any of the mentally retarded persons who reside in the house.

3. This section does] *:*

(a) Residential facility for groups in which six or fewer unrelated persons with disabilities reside with:

(1) One or two additional persons who act as house parents or guardians and who need not be related to any of the residents with disabilities; and

(2) If applicable, one or two additional persons who are related to the house parents or guardians within the second degree of consanguinity or affinity.

(b) Home for individual residential care in which two or fewer unrelated persons with disabilities reside with:

(1) One or two additional persons who act as house parents or guardians and who need not be related to any of the residents with disabilities; and

(2) If applicable, one or two additional persons who are related to the house parents or guardians within the second degree of consanguinity or affinity.

3. The provisions of subsection 2 do not prohibit a definition *of "single-family residence"* which permits more persons to reside in the house, nor does it prohibit regulation of homes which are operated on a commercial basis. *For the purposes of this subsection, a residential facility for groups or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis.*

4. [For the purposes of subsection 1, a residence for mentally retarded persons is not a commercial activity.] *The governing body of a county or city shall require each residential facility for groups located within its jurisdiction to register. The procedure adopted by the governing body for this registration must be minimal and simplified. The form for registration must require the registrant to list the name of the owner of the facility, the name of the administrator of the facility, the address of the facility, the number of clients residing in the facility and any other information deemed appropriate by the governing body. The governing body shall maintain a registry of the information so provided. Each such registration must be valid for 2 years. The facility shall notify the governing body of any change in the listed information within 30 days after the change. The biennial fee for registration, if any, must not exceed $25 and there must be no charge for notifying the governing body of any change in the listed information.*

5. The governing body of a county or city shall approve a request to locate the first residential facility for groups within a particular neighborhood. If, on or after October 1, 1997, permission is requested to locate an additional residential facility for groups within 660 feet from an existing residential facility for groups, the governing body of a county or city shall:

(a) Review the application based on applicable zoning ordinances; and

(b) Ensure that a disproportionate number of residential facilities for groups are not located in a neighborhood.

The requirements of this subsection do not require the relocation or displacement of any facility for residential groups which existed before October 1, 1997, from its location on that date.

6. The governing body of a county or city shall not:

(a) Require a special use permit for a residential facility for groups; or

(b) Permit the operators of a residential facility for groups to allow persons other than those specified in subsection 2 to reside at the facility.

7. As used in this section:

(a) "Home for individual residential care" has the meaning ascribed to that term in NRS 449.0105.

(b) "Person with a disability" means a person:

(1) With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) With a record of such an impairment; or

(3) Who is regarded as having such an impairment.

(c) "Residential facility for groups" has the meaning ascribed to that term in NRS 449.017.

Sec. 2. NRS 449.017 is hereby amended to read as follows:

449.017 1. Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to [:

(a) Any] *any* aged, infirm, mentally retarded or handicapped person . [; or

(b) Four or more females during pregnancy or after delivery.]

2. The term does not include:

(a) An establishment which provides care only during the day;

(b) A natural person who provides care for no more than two persons in his own home;

(c) A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity; or

(d) A facility funded by the welfare division or the mental hygiene and mental retardation division of the department of human resources.".

Amend the title of the bill to read as follows: "An Act relating to residential facilities for groups; revising the limitation on local control over the location of housing for mentally retarded persons; requiring the governing body of a county or city to ensure that a disproportionate number of such facilities are not located in one neighborhood; requiring the enactment of certain related ordinances; requiring local governments to maintain a registry of residential facilities for groups; revising the definition of "residential facility for groups"; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning residential facilities for groups. (BDR 22-22)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 594.

Amend section 1, page 1, line 7, by deleting "and".

Amend section 1, page 1, by deleting lines 8 and 9 and inserting:

"(d) The Director of the Department of Motor Vehicles and Public Safety; and

(e) The Director of the Department of Transportation.

These members of the committee shall select a chairman from among their membership.

2. The ex officio members of the committee prescribed in subsection 1 may appoint to serve as a member of the committee another person whom the members of the committee consider necessary to conduct the study.".

Amend section 1, page 1, line 10, by deleting "2." and inserting "3.".

Amend section 1, page 1, line 14, by deleting "3." and inserting "4.".

Amend section 1, page 1, between lines 15 and 16, by inserting:

"5. The provisions of chapter 241 of NRS apply to the meetings of the committee.".

Amend sec. 2, page 1, line 17, after "1." by inserting: "Review and evaluate the methods for the collection of taxes and fees and the procedures for auditing currently used by state agencies to determine whether any coordination or consolidation of those methods and procedures between the state agencies can be achieved;

2. Review and evaluate the effectiveness of electronic transfers of money for the payment and collection of taxes and fees;

3.".

Amend sec. 2, page 2, line 1, by deleting "2." and inserting "4.".

Amend sec. 2, page 2, line 8, by deleting "3." and inserting "5.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 216.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 701.

Amend section 1, page 1, by deleting line 2 and inserting: "the Department of Prisons the sum of $405,228 for the purchase of vehicles, trucks, vans, forklifts, warehouse equipment".

Amend the title of the bill, first line, by deleting "vehicles" and inserting: "vehicles, trucks, vans, forklifts, warehouse equipment".

Amend the summary of the bill, first line, by deleting "vehicles" and inserting: "vehicles, trucks, vans, forklifts, warehouse equipment".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 264.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 704.

Amend section 1, page 1, line 3, by deleting "$521,991" and inserting "$436,046".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 702.

Amend sec. 3, page 2, line 30, by deleting "$1,187,608" and inserting "$1,162,203".

Amend sec. 3, page 2, by deleting line 31 and inserting: "computer hardware, telephone systems, a radio communication system and laundry and kitchen equipment to be allocated as follows:

Director's Office	$485,716
Southern Nevada Correctional Center	$73,867
Northern Nevada Correctional Center	$120,555
Nevada State Prison	$108,758
Southern Desert Correctional Center	$113,844
Ely State Prison	$91,864
Northern Nevada Restitution Center	$25,973
Southern Nevada Restitution Center	$32,042

Pioche Conservation Camp $21,244
Ely Conservation Camp $24,608
Jean Conservation Camp $21,244
Silver Springs Conservation Camp $21,244
Tonopah Conservation Camp ..... $21,244".

Amend the title of the bill by deleting the second through fourth lines and inserting: "of Prisons for the purchase of vehicles, computer hardware, telephone systems, a radio communication system and laundry and kitchen equipment; revising the reversion for certain previously appropriated money and authorizing the use of that money for additional Information Services; and providing other matters properly related thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes appropriation to Department of Prisons for purchase of vehicles, computer hardware, telephone systems, radio communication system and laundry and kitchen equipment and revising reversion for certain previously appropriated money for use for additional Information Services. (BDR S-1427)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 643.

Amend section 1, page 1, line 6, by deleting "*diabetes.*" and inserting: "*diabetes, including, without limitation, coverage for the self-management of diabetes.*".

Amend section 1, page 1, by deleting lines 9 through 16 and inserting:

"*(a) Shall include in the disclosure required pursuant to NRS 689A.390 notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.*

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.".

Amend section 1, page 1, line 18, by deleting: "*October 1, 1997,*" and inserting: "*January 1, 1998,*".

Amend section 1, page 2, by deleting lines 1 through 9 and inserting:

"*4. As used in this section:*

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to an insured person after he is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the insured person and which requires modification of his program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.".

Amend sec. 3, page 2, line 23, by deleting "*diabetes.*" and inserting: "*diabetes, including, without limitation, coverage for the self-management of diabetes.*".

Amend sec. 3, page 2, by deleting lines 26 through 33 and inserting:

"*(a) Shall include in the disclosure required pursuant to NRS 689B.027 notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.*

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.".

Amend sec. 3, page 2, line 35, by deleting: "*October 1, 1997,*" and inserting: "*January 1, 1998,*".

Amend sec. 3, pages 2 and 3, by deleting lines 38 through 43 on page 2 and lines 1 through 3 on page 3 and inserting:

"*4. As used in this section:*

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to the employee or member of the insured group after he is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the employee or member of the insured group and which requires modification of his program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.".

Amend sec. 4, page 3, line 9, by deleting "*diabetes.*" and inserting: "*diabetes, including, without limitation, coverage for the self-management of diabetes.*".

Amend sec. 4, page 3, by deleting lines 12 through 19 and inserting:

"*(a) Shall include in the disclosure required pursuant to NRS 695B.172 notice to each policyholder or subscriber covered under the contract of the availability of the benefits required by this section.*

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the contract.".

Amend sec. 4, page 3, line 22, by deleting: "*October 1, 1997,*" and inserting: "*January 1, 1998,*".

Amend sec. 4, page 3, by deleting lines 25 through 33 and inserting:

"*4. As used in this section:*

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to a person covered under the contract after he is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the person covered under the contract and which requires modification of his program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.".

Amend sec. 5, page 3, line 39, by deleting "*diabetes.*" and inserting: "*diabetes, including, without limitation, coverage for the self-management of diabetes.*".

Amend sec. 5, pages 3 and 4, by deleting lines 42 and 43 on page 3 and lines 1 through 5 on page 4 and inserting:

"*(a) Shall include in the disclosure required pursuant to NRS 695C.193 notice to each enrollee under the evidence of coverage of the availability of the benefits required by this section.*

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for the evidence of coverage that are required under the evidence of coverage.".

Amend sec. 5, page 4, line 7, by deleting: "*October 1, 1997,*" and inserting: "*January 1, 1998,*".

Amend sec. 5, page 4, by deleting lines 10 through 18 and inserting:

"*4. As used in this section:*

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to the enrollee after he is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the enrollee and which requires modification of his program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.".

Assemblyman Herrera moved the adoption of the amendment.

Remarks by Assemblyman Herrera.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 493.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 559.

Amend section 1, page 1, line 2, by deleting "14," and inserting "16,".

Amend sec. 2, page 1, line 5, by deleting: "and 4 of this act" and inserting: "to 6, inclusive, of this act,".

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

"Sec. 3. "Alternative care facility" means a facility that is publicly or privately owned or operated at which children participate voluntarily in programs that are:

1. Established as an alternative to detention in a detention facility; and
2. Subject generally to the oversight of a court of competent jurisdiction.

Sec. 4. "Child" means a person who is less than 18 years of age.

Sec. 5. "Detention facility" means a facility that is publicly or privately owned or operated and in which children are detained:

1. While awaiting trial or other disposition; or

2. As a condition of a sentence imposed by a court of competent jurisdiction.".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 14 as sections 7 through 16.

Amend sec. 5, pages 1 and 2, by deleting lines 15 through 19 on page 1 and lines 1 and 2 on page 2 and inserting:

"Sec. 7. 1. The division shall adopt:

(a) Regulations to establish the minimum standards for the operation of detention and alternative care facilities.

(b) Such other regulations as in the determination of the administrator are necessary to carry out the provisions of this chapter.

2. A detention or alternative care facility that is licensed pursuant to this chapter shall comply with the regulations adopted pursuant to subsection 1.

3. This section does not prohibit a county or an owner or operator of a detention or alternative care facility from adopting standards for the operation of the facility that are more stringent than those adopted by the division pursuant to subsection 1.".

Amend sec. 6, page 2, line 4, by deleting: "resident care facility for children" and inserting: "detention or alternative care facility".

Amend sec. 6, page 2, line 6, by deleting: "resident care facility for children" and inserting: "detention or alternative care facility".

Amend sec. 6, page 2, line 8, by deleting: "resident care facility for children" and inserting: "detention or alternative care facility".

Amend sec. 6, page 2, line 13, after "applicant and" by inserting: "the qualifications of".

Amend sec. 6, page 2, by deleting lines 20 and 21 and inserting: "by the division if it determines that a detention or alternative care facility is otherwise properly regulated or accredited by an entity qualified and authorized to conduct such an accreditation. The".

Amend sec. 7, page 2, line 25, by deleting: "resident care facility for children" and inserting: "detention or alternative care facility".

Amend sec. 7, page 2, line 30, by deleting: "residential care facility for children" and inserting: "detention or alternative care facility".

Amend sec. 7, page 2, line 36, by deleting: "resident care facility for children" and inserting: "detention or alternative care facility".

Amend sec. 7, page 2, line 40, by deleting: "resident care facility for children" and inserting: "detention or alternative care facility".

Amend sec. 8, page 3, by deleting lines 1 and 2 and inserting: "applicant for a license to operate a detention or alternative care facility to determine whether the person investigated".

Amend sec. 9, page 3, by deleting lines 17 and 18 and inserting: "operate a detention or alternative care facility a complete set of his fingerprints and written permission".

Amend sec. 10, page 3, by deleting lines 39 and 40 and inserting: "or employees of the detention or alternative care facility.

5. Conviction of a crime listed in subsection 1 of section 10 of this act".

Amend sec. 11, page 4, by deleting lines 1 and 2 and inserting:

"Sec. 13. The division shall visit each licensed detention or alternative care facility as often as necessary to ensure that proper care is being given to the".

Amend sec. 12, page 4, by deleting lines 6 through 15 and inserting: "of a license to operate a detention or alternative care facility.

2. A detention or alternative care facility may be represented by legal counsel in any proceeding related to:

(a) The issuance, suspension, revocation or denial of a license to operate a detention or alternative care facility; and

(b) The care given to a child by that facility.

3. Any current or former employee of a detention or alternative care facility may be represented by legal counsel in any proceeding related to:

(a) The issuance, suspension, revocation or denial of his current or former employer's license to operate a detention or alternative care facility;".

Amend sec. 13, page 4, by deleting lines 20 and 21 and inserting: "to enjoin any person from operating or maintaining a detention or alternative care facility:".

Amend sec. 13, page 4, by deleting lines 26 and 27 and inserting: "certain date and in a certain place, operate and maintain the detention or alternative care facility without a license or waiver.".

Amend sec. 14, page 4, line 28, by deleting: "resident care facility for children" and inserting: "detention or alternative care facility".

Amend the bill as a whole by renumbering sections 15 through 17 as sections 18 through 20 and adding a new section designated sec. 17, following sec. 14, to read as follows:

"Sec. 17. 1. There is hereby established within the division of child and family services of the department of human resources a committee to recommend standards for the operation of detention and alternative care facilities. The committee consists of eight members appointed by the administrator of the division as follows:

(a) One member who represents correctional facilities for juveniles that are established and operated by the State of Nevada, including, without limitation:

(1) The Nevada youth training center.

(2) The Caliente youth center.

(b) One member who represents facilities that are established and operated by counties for the care of minors adjudged delinquent, including, without limitation:

(1) The facility in Douglas County known as China Spring Youth Camp.

(2) The facility in Clark County known as Spring Mountain Youth Camp.

(c) Two members who represent facilities that are established and operated by counties for the temporary detention of children, including, without limitation:

(1) The facility in Washoe County known as Wittenberg Hall.

(2) The facility in Clark County known as Zenoff Hall.

(3) The facility in Humboldt County known as Leighton Hall.

(d) One member who represents facilities that are established and operated by counties for the shelter and care of children, including, without limitation:

(1) The facility in Clark County known as Child Haven.

(2) The facility in Washoe County known as Kids' Kottage.

(e) One member who represents alternative care facilities that are established and operated by the division, including, without limitation:

(1) Those facilities in the northern region of the State of Nevada known as family learning homes.

(2) Those facilities in the southern region of the State of Nevada known as oasis homes.

(f) One member who represents the division.

(g) One member who represents the Association of Group Care Providers.

2. Immediately after the members of the committee are appointed, the committee shall meet and elect from among its members a chairman and vice chairman.

3. The members of the committee serve terms of office commencing on July 1, 1997, and terminating on July 1, 1998.

4. Vacancies in the committee must be filled in the same manner as original appointments, and must be for the unexpired term of the member whose office becomes vacant.

5. The committee:

(a) Shall hold meetings at least once every 3 months to carry out its duties pursuant to subsection 7.

(b) May hold additional meetings at the call of the chairman.

6. The members of the committee are entitled to receive:

(a) A salary of not more than $80 per day, as fixed by the division, while engaged in the business of the committee; and

(b) A per diem allowance and travel expenses at a rate fixed by the division, while engaged in the business of the committee. The rate must not exceed the rate provided for state officers and employees generally.

7. The committee shall:

(a) Develop recommended standards for the operation of detention and alternative care facilities to be incorporated into the regulations adopted by the division pursuant to section 7 of this act.

(b) Not later than March 1, 1998, submit to the administrator of the division the recommended standards developed pursuant to paragraph (a).

(c) Perform such other duties as are directed by the administrator of the division.".

Amend sec. 16, page 4, line 35, by deleting "January" and inserting "July".

Amend sec. 17, page 4, by deleting lines 36 through 38 and inserting:

"Sec. 20. 1. This section becomes effective on July 1, 1997.

2. Sections 7, 8 and 14 of this act become effective on July 1, 1997, for the purpose of adopting regulations and on July 1, 1998, for all other purposes.

3. Section 17 of this act becomes effective on July 1, 1997, and expires by limitation on July 1, 1998.

4. Sections 1 to 6, inclusive, 9 to 13, inclusive, 15, 16, 18 and 19 of this act become effective on July 1, 1998.".

Amend the title of the bill, third line, by deleting "provide resident" and inserting: "detain or provide alternative".

Amend the summary of the bill, second line, by deleting "provide resident" and inserting: "detain or provide alternative".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Assemblywoman Freeman moved that Assembly Bill No. 493 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 510.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 668.

Amend section 1, page 2, line 11, by deleting "reasonable" and inserting: "[reasonable] :

(a) A room rate in excess of the normal allowance for reimbursement of employees who are required to travel on weekends to serve the needs of the public. The board may require the submission of receipts as a condition of reimbursement at the special rate.

(b) Reasonable".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 515.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 654.

Amend section 1, page 1, by deleting line 5 and inserting: "*school, or on a school bus or at a bus stop used to load and unload a school bus while the bus is engaged in its official duties:*".

Amend the title of the bill by deleting the second line and inserting: "on public or private school property, on a school bus or at a bus stop; and providing other".

Amend the summary of the bill to read as follows: "Summary—Enhances penalty for gross misdemeanors committed on school property, on school bus or at bus stop. (BDR 15-1278)".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 522.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 716.

Amend the bill as a whole by renumbering section 1 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 118B.095 is hereby amended to read as follows:

118B.095 1. The landlord shall authorize each manager and assistant manager to make repairs himself or enter into a contract with a third party for the repairs.

2. [The] *Except as otherwise provided in subsection 3, the* manager shall contract with a third party to provide emergency repairs for the tenants on the occasions when the manager and assistant manager are not physically present in the park. The manager shall notify each tenant of the telephone number of the third party who will make the repairs, and direct the tenants to call him when an emergency repair is needed and the manager and assistant manager are not physically present in the park. The telephone number so provided must be that of the third party directly. The provision of the telephone number of an answering service does not fulfill this requirement. If

the manager or assistant manager [are] *is* present in the park, any request for repairs must be made to him and not the third party.

3. *The provisions of subsection 2 do not apply to a mobile home park that is owned by:*

(a) A nonprofit organization; or

(b) A housing authority,

if the nonprofit organization or housing authority has established an alternative method to provide emergency repairs for tenants in a timely manner.

4. As used in this section, "repairs" means only repairs to the property of the owner of the mobile home park.

Sec. 2. NRS 118B.150 is hereby amended to read as follows:

118B.150 The landlord or his agent or employee shall not:

1. Increase rent or additional charges unless:

(a) The rental increase is the same for mobile homes of the same size or lots of the same size or of a similar location or classification within the park, except that a discount may be selectively given to persons who are handicapped or who are 62 years of age or older, and any increase in additional charges for special services is the same amount for each tenant using the special service; and

(b) Written notice advising a tenant of the increase is received by the tenant 90 days in advance of the first payment to be increased and written notice of the increase is given to prospective tenants before commencement of their tenancy.

2. Require a tenant to pay for an improvement to the common area of a mobile home park unless the landlord is required to make the improvement pursuant to an ordinance of a local government.

3. Require a tenant to pay for a capital improvement to the mobile home park unless the tenant has notice of the requirement at the time he enters into the rental agreement. A tenant may not be required to pay for a capital improvement after the tenant enters into the rental agreement unless the tenant consents to it in writing or is given 60 days' notice of the requirement in writing. The landlord may not establish such a requirement unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposal. A notice in a periodic publication of the park does not constitute notice for the purposes of this subsection.

4. Require a tenant to pay his rent by check or money order.

5. Require a tenant who pays his rent in cash to apply any change to which he is entitled to the next periodic payment that is due. The landlord or his agent or employee shall have an adequate amount of money available to provide change to such a tenant.

6. Prohibit or require fees or deposits for any meetings held in the park's community or recreational facility by the tenants or occupants of any mobile home or recreational vehicle in the park to discuss the park's affairs, or any political or social meeting sponsored by a tenant, if the meetings are held at reasonable hours and when the facility is not otherwise in use, or prohibit the distribution of notices of those meetings.

7. Interrupt, with the intent to terminate occupancy, any utility service furnished the tenant except for nonpayment of utility charges when due. Any landlord who violates this subsection is liable to the tenant for actual damages.

8. Prohibit a tenant from having guests, but he may require the tenant to register the guest within 48 hours after his arrival, Sundays and holidays excluded, and if the park is a secured park, a guest may be required to register upon entering and leaving.

9. Charge a fee for a guest who does not stay with the tenant for more than a total of 60 days in a calendar year. The tenant of a mobile home lot who is living alone may allow one other person to live in his home without paying [any] *an* additional charge or fee [.] *, unless such a living arrangement constitutes a violation of chapter 315 of NRS.* No agreement between a tenant and his guest alters or varies the terms of the rental contract between the tenant and the landlord and the guest is subject to the rules and regulations of the landlord.

10. Prohibit a tenant from erecting a fence along the perimeter of the tenant's lot if the fence complies with any standards for fences established by the landlord, including limitations established for the height of fences, the materials used for fences and the manner in which fences are to be constructed.

11. Prohibit any tenant from soliciting membership in any association which is formed by the tenants who live in the park. As used in this subsection, "solicit" means to make an oral or written request for membership or the payment of dues or to distribute, circulate or post a notice for payment of those dues.

12. Prohibit a public officer or candidate for public office from walking through the park to talk with the tenants.

Sec. 3. NRS 118B.200 is hereby amended to read as follows:

118B.200 Notwithstanding the expiration of a period of a tenancy, the rental agreement described in NRS 118B.190 may not be terminated except for:

1. Failure of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

2. Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to mobile homes or

recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

3. Conduct of the tenant in the mobile home park which constitutes an annoyance to other tenants;

4. Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

5. A change in the use of the land by the landlord pursuant to NRS 118B.180; or

6. Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance.

7. In a mobile home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

(a) Are set forth in the lease signed by the tenant; and

(b) Comply with federal, state and local law.".

Amend the bill as a whole by renumbering sec. 2 as sec. 6 and adding a new section designated sec. 5, following section 1, to read as follows:

"Sec. 5. NRS 118B.215 is hereby amended to read as follows:

118B.215 1. There is hereby created as a special revenue fund in the state treasury the fund for low-income owners of mobile homes, to be administered by the division. All money received for the use of the fund pursuant to NRS 118B.213 or from any other source must be deposited in the fund.

2. The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. All claims against the fund must be paid as other claims against the state are paid.

3. The money in the fund may be used only to pay necessary administrative costs and to assist eligible persons by supplementing their monthly rent for the mobile home lot on which their mobile home is located. To be eligible for assistance from the fund a person must:

(a) Except as otherwise provided in this subsection, have been a tenant in the same mobile home park in this state for at least 1 year immediately preceding his application for assistance;

(b) Own the mobile home which is subject to the tenancy;

(c) Have a monthly household income which is at or below:

(1) The federally designated level signifying poverty or $750, whichever is greater, if the person is the sole occupant of the mobile home; or

(2) The federally designated level signifying poverty or $1,125, whichever is greater, if the person is not the sole occupant of the mobile home;

(d) Be a tenant in a mobile home park *that is operated for profit* and maintain continuous tenancy in that park during the duration of the supplemental assistance; and

(e) Not have assets whose value is more than $10,000, excluding the value of the mobile home which is subject to the tenancy, the contents of that mobile home and one motor vehicle.

A person who has been a tenant of a mobile home park in this state for at least 1 year, but has not been a tenant of the mobile home park in which he resides at the time he applies for assistance for at least 1 year, is eligible for assistance from the fund if he moved to the mobile home park in which he resides at the time of his application because he was unable to pay the rent at the mobile home park from which he moved or because that park was closed.

4. The administrator shall adopt regulations establishing:

(a) The annual reporting requirements for persons receiving assistance pursuant to this section. The regulations must require that each such person provide the division with a written acknowledgment of his continued eligibility for assistance.

(b) The maximum amount of assistance which may be distributed to a person to supplement his monthly rent pursuant to this section.

5. As used in this section, "monthly household income" means the combined monthly incomes of the occupants of a mobile home which is subject to the tenancy for which assistance from the fund is requested.".

Amend the title of the bill to read as follows: "An Act relating to mobile home parks; making various changes regarding mobile home parks that are not operated for profit; revising the provision regarding the charge authorized for certain guests in a mobile home park; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes regarding mobile home parks. (BDR 10–1689)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 573.

Bill read second time and ordered to third reading.

Assembly Bill No. 574.

Bill read second time.

Assemblyman Arberry moved that Assembly Bill No. 574 be re-referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 576.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 17.

Resolution read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 677.

Amend the resolution, page 1, by deleting lines 10 through 13 and inserting: "[his successor shall be] *their successors are* qualified.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 700.

Amend section 1, page 1, line 7, by deleting "*child* " and inserting "*pedestrian*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 260.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 642.

Amend section 1, page 2, by deleting line 25 and inserting:

"(b) A factory-built house or mobile home which has been converted to real property pursuant to NRS 361.244.".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 348.
Bill read second time and ordered to third reading.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 11.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Assembly Bill No. 11:
YEAS — 42.
NAYS — None.
Assembly Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 414 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Herrera moved that Assembly Bill No. 13 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 13.
Bill read third time.
Remarks by Assemblymen Herrera and Freeman.
Roll call on Assembly Bill No. 13:
YEAS — 41.
NAYS — None.
Not voting — Krenzer.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblymen Anderson and Chowning.

Roll call on Assembly Bill No. 165:

YEAS — 41.

NAYS — Von Tobel.

Assembly Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 217.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 217:

YEAS — 42.

NAYS — None.

Assembly Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

Bill read third time.

Remarks by Assemblywoman Von Tobel.

Roll call on Assembly Bill No. 218:

YEAS — 42.

NAYS — None.

Assembly Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 294:

YEAS — 41.

NAYS — None.

Not voting — Dini.

Assembly Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 485:

YEAS — 42.

NAYS — None.

Assembly Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblymen Nolan, Anderson, Carpenter and Collins.

Assemblyman Collins moved that Assembly Bill No. 497 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost.

Remarks by Assemblymen Gustavson, Herrera, Lambert, Price and Perkins.

Assemblymen Perkins, Giunchigliani and Goldwater moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 497.

Roll call on Assembly Bill No. 497:

YEAS — 20.

NAYS — Bache, Carpenter, Cegavske, Close, Collins, de Braga, Dini, Gustavson, Hettrick, Hickey, Humke, Krenzer, Lambert, Lee, Marvel, Mortenson, Neighbors, Price, Sandoval, Tiffany, Von Tobel, Williams — 22.

Assembly Bill No. 497 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 29.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 705.

Amend section 1, page 3, line 18, by deleting: "*a special fund,*" and inserting "*an account,*".

Amend section 1, page 3, line 20, by deleting "*special fund*" and inserting "*account*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 186 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Ernaut.

Motion carried.

Assemblyman Bache gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 497 was this day refused passage.

GENERAL FILE AND THIRD READING

Senate Bill No. 230.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 230:

YEAS — 42.

NAYS — None.

Senate Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 265.

Bill read third time.

Remarks by Assemblymen Anderson and Price.

Roll call on Senate Bill No. 265:

YEAS — 42.

NAYS — None.

Senate Bill No. 265 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.

Bill read third time.

Remarks by Assemblymen Collins and Perkins.

Roll call on Senate Bill No. 294:

YEAS — 42.

NAYS — None.

Senate Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 297.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Senate Bill No. 297:

YEAS — 42.

NAYS — None.

Senate Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 344.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Senate Bill No. 344:

YEAS — 42.

NAYS — None.

Senate Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 353.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 353:

YEAS — 42.

NAYS — None.

Senate Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 358, 359, 364, 369, 370, 407, 408 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 618—An Act relating to deer tags; requiring the board of wildlife commissioners to adopt regulations which require that deer tags be issued to youthful applicants and elderly applicants under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 619—An Act making an appropriation for the management of estray horses in the Virginia Range area in northern Nevada and creating a special account for the money appropriated; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 99.

The following Senate amendment was read:

Amendment No. 613.

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

"Section 1. NRS 218.277 is hereby amended to read as follows:

218.277 1. Any member of the next succeeding regular session of the legislature [and any entity that is authorized to request the preparation of a legislative measure] may request the legislative counsel to prefile any legislative bill or joint resolution that was requested by that legislator [or entity] for introduction in the next succeeding regular session of the legislature.

2. Such bills and joint resolutions must be in such final and correct form for introduction in the legislature as required by the constitution and this chapter.

3. The legislative counsel shall not prefile a bill or joint resolution requested by:

(a) A member of the legislature who is not a candidate for reelection [or any entity that is authorized to request the preparation of a legislative measure] until after the general election immediately preceding the regular session of the legislature.

(b) A member of the legislature who is elected or reelected to his office at the general election immediately preceding the regular session of the legislature until he is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.".

Amend the title of the bill to read as follows: "An Act relating to legislation; limiting the authority to prefile a bill or joint resolution to legislators; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Limits authority to prefile bill or joint resolution to legislators. (BDR 17-331)".

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 99.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered transmitted to Senate.

Assembly Bill No. 125.

The following Senate amendment was read:

Amendment No. 549.

Amend sec. 2, page 2, lines 36 and 37, by deleting "and micrographics".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 125.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 427.

The following Senate amendment was read:

Amendment No. 577.

Amend sec. 3, page 2, line 17, by deleting "October" and inserting "July".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective on July 1, 1997.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 427.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 27, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

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

MARCIA DE BRAGA
P.M. ROY NEIGHBORS
JOHN CARPENTER
Assembly Committee on Conference

MIKE MCGINNESS
ERNEST E. ADLER
LAWRENCE E. JACOBSEN
Senate Committee on Conference

Conference Amendment No. 3.

Amend sec. 2, page 2, line 19, by deleting "*or injury*".

Assemblywoman de Braga moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 27.

Remarks by Assemblywoman de Braga.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 422; Assembly Joint Resolution No. 11; Assembly Concurrent Resolutions Nos. 11, 23; Senate Bills Nos. 245, 338, 380; Senate Concurrent Resolution No. 50.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Calie Hastie, Steven Owens, Catherine Rey, Jenna Yered, Matthew Roberts, Sarah Rowe, Elise Landau, Adam Johnson, Geoffe Green, Blake Weyland, Craig Bell, Kyle Currence, Christi Davis, Allison Chapman, Trent Hennessy-York, Christa Keele, Traver Fordham, Linda Bell and Deborah Paulson.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Phillip Berger.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Yeary.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Cyphers.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, June 19, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:46 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-FIRST DAY

CARSON CITY (Thursday), June 19, 1997

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Monte C. Fast.

Assembled here are good women and good men. Not perfect, but essentially good. Good citizens of this state have chosen them as their representatives. Partisan philosophies were the definers that guided the choice of Nevada voters, but when the selection process completed, all citizens wanted good women and good men to do the representative work that was needed. Let us renew our commitment to do that good work, for those of all philosophies, for those who desperately need help and change. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Commerce, to which was referred Assembly Bill No. 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 244, 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 559, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 600, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 577; Senate Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 584, 595, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 587, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 419, 490, 511; Senate Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 18, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 319.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 620—An Act relating to public schools; clarifying provision regarding the prohibition of nonsecular activities in public schools; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 621—An Act relating to gaming; revising the provisions governing the revocation of gaming licenses; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Braunlin, Dini, Bache, Ernaut, Lee, Williams, Tiffany, Hickey, Mortenson, Neighbors, Parks, Amodei, Nolan, Carpenter, Cegavske, Collins, Marvel, Von Tobel, Giunchigliani, Gustavson, Goldwater, Buckley, Segerblom, Price, Perkins, Chowning, Herrera, Anderson, Humke, Freeman, de Braga, Close, Hettrick, Ohrenschall, Berman, Manendo and Krenzer:

Assembly Bill No. 622—An Act relating to energy; creating the legislative committee on energy and regulatory affairs; requiring the committee to develop a comprehensive long-range plan for the transition to an open competitive market for the provision of electric service; requiring certain state agencies to submit certain information to the legislative committee; and providing other matters properly relating thereto.

Assemblywoman Braunlin moved that the bill be referred to the Concurrent Committees on Elections, Procedures, and Ethics and Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 623—An Act relating to traffic violations; providing for the reporting of certain violations observed by the driver of a school bus; increasing the penalty for certain violations involving a school bus; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 319.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 118, 204, 216, 264, 299, 477, 510, 515, 522; Assembly Joint Resolution No. 17; Senate Bills Nos. 29, 129, 260 be placed on the General File.

Motion carried.

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

Remarks by Assemblywoman Giunchigliani.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 279.

Bill read second time.

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

Amendment No. 665.

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

"Section 1. NRS 612.380 is hereby amended to read as follows:

612.380 1. Except as otherwise provided in subsection 2, a person is ineligible for benefits for the week in which he has voluntarily left his last or next to last employment:

(a) Without good cause, if so found by the administrator, and until he earns remuneration in covered employment equal to or exceeding his weekly benefit amount in each of 10 weeks.

(b) To seek [better] *other* employment and for all subsequent weeks until he secures [better] *other* employment or until he earns remuneration in covered employment equal to or exceeding his weekly benefit amount in each of 10 weeks, if so found by the administrator.

2. A person is not ineligible for benefits solely because he left employment which was not suitable to enter training approved pursuant to 19 U.S.C. § 2296.

3. As used in subsection 2, employment is "suitable" if the work is of a substantially equal or higher level of skill than the person's past adversely affected employment, and the wages are not less than 80 percent of his average weekly wage at his past adversely affected employment.".

Amend sec. 2, page 2, line 10, by deleting "*better*" and inserting "*other*".

Amend the title of the bill to read as follows: "An Act relating to compensation for unemployment; revising provisions governing the disqualification of a person to receive benefits when he voluntarily leaves employment to seek other employment; providing an exception to charging benefits against the record of the base-period employer; and providing other matters properly relating thereto.".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 296.

Bill read second time.

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

Amendment No. 713.

Amend section 1, page 1, line 15, by deleting "and" and inserting "[and] *or*".

Amend section 1, page 1, by deleting lines 18 through 20 and inserting:

"3. *Except as otherwise provided in subsection 4, if the town board or board of county commissioners proposes the adoption of an ordinance for an unincorporated town, the town*".

Amend section 1, page 2, line 1, after "*days*" by inserting: "*nor more than 20 days*".

Amend section 1, page 2, line 3, after "*and*" by inserting "*a detailed*".

Amend section 1, page 2, by deleting lines 4 through 6 and inserting: "*proposed ordinance to be published in a newspaper published in or having a general circulation in the county.*".

Amend section 1, page 2, line 13, by deleting "and" and inserting "[and] *or*".

Amend sec. 3, page 2, by deleting line 30 and inserting: "ordinance for an unincorporated town that".

Amend the title of the bill, first line, after "and" by inserting "a detailed".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 658.

Amend section 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 to 4, inclusive,".

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. *1. The department may accept gifts and grants of money to provide grants of money to pupils who are less than 18 years of age and who need financial assistance to pay:*

(a) If a pupil is enrolled in a public school that provides instruction in automobile education, a laboratory fee required pursuant to NRS 389.100.

(b) If a pupil is enrolled in a public school that does not provide instruction in automobile education, the costs and fees of a course provided by a school for training drivers that is licensed pursuant to NRS 483.700 to 483.780, inclusive, and section 2 of this act, and that complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090.

2. The department may, in consultation with the state board of education, adopt regulations to carry out the provisions of this section, including, without limitation, the:

(a) Procedure by which a person may apply for a grant of money from the department;

(b) Criteria that the department will consider in determining whether to award a grant of money; and

(c) Procedure by which the department will distribute the money it receives pursuant to subsection 1.".

Amend sec. 5, page 2, line 16, after "*act,*" by inserting: "*if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090,*".

Amend sec. 5, page 2, by deleting line 17 and inserting: "*and who has at least 50 hours of experience in driving a motor vehicle with*".

Amend sec. 5, page 2, line 19, after the period by inserting: "*The parent or legal guardian of a person who desires to obtain a license pursuant to this paragraph must sign and submit to the department a form provided by the department which attests that the person who desires a license has completed the training and experience required by this paragraph.*".

Amend sec. 7, page 3, line 23, after "state" by inserting: "*in a county whose population is less than 35,000* ".

Amend sec. 7, page 3, line 25, by deleting "district;" and inserting: "district [;] *, if the pupil meets the requirements for eligibility adopted by the department pursuant to subsection 5;*".

Amend sec. 7, page 4, between lines 9 and 10 by inserting:

"*5. The department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.*".

Amend sec. 11, page 5, line 16, by deleting "[may] *shall* " and inserting "may".

Amend sec. 11, page 5, by deleting lines 38 through 41 and inserting: "*trustees of a school district must be restricted to pupils who are sophomores, juniors or seniors in high*".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. On or before October 1, 1998, the department of motor vehicles and public safety shall adopt the regulations required by section 7 of this act.".

Amend sec. 14 by deleting lines 9 through 12 and inserting:

"Sec. 14. 1. This section and sections 1, 3, 3.5, 4, 9, 11.5, 12 and 13 of this act become effective upon passage and approval.

2. Section 7 of this act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 1998, for all other purposes.

3. Sections 2, 5, 6, 8, 10 and 11 of this act become effective on October 1, 1998.".

Amend the title of the bill by deleting the fifth and sixth lines and inserting: "certain regulations; prohibiting a person".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 529.

Amend sec. 3, page 2, line 4, by deleting "*facilitate*" and inserting: "*develop, own or sponsor*".

Amend sec. 3, page 2, line 17, after "*application.*" by inserting: "*From the applications received, the division shall, within the limits set forth in section 5 of this act, select one or more of the proposed housing projects that the division determines are appropriate to assist the division in evaluating the effectiveness of sections 2 to 12, inclusive, of this act in providing affordable housing for persons of low income.*".

Amend sec. 4, page 2, line 19, by deleting "*sufficient* " and inserting "*appropriate*".

Amend sec. 4, page 3, line 4, by deleting: "*a pro rata allocation of*".

Amend sec. 4, page 3, line 6, by deleting "*10*" and inserting "*25*".

Amend sec. 5, page 3, line 10, by deleting "*approve*" and inserting "*grant*".

Amend sec. 5, page 3, lines 12 and 13, by deleting: "*on a pro rata basis*".

Amend sec. 11, page 5, line 16, by deleting "*and*".

Amend sec. 11, page 5, line 17, after "(b)" by inserting: "*Ensure that a licensee who receives a credit pursuant to sections 2 to 12, inclusive, of this act offers affordable housing for persons of low income for a time deemed acceptable by the division; and*

(c)".

Amend sec. 12, page 5, line 26, by deleting "*act;*" and inserting: "*act. The formula must grant to a licensee an equal amount of credit for each dollar that he spends on the project, up to the maximum amount of credit that he is allowed in 1 year.*".

Amend sec. 12, page 5, line 28, by deleting "*463.370; and*" and inserting "*463.370.*".

Amend sec. 12, page 5, by deleting lines 29 and 30.

Amend the bill as a whole by adding new sections designated sections 14 and 15, following sec. 13, to read as follows:

"Sec. 14. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In administering the provisions of this chapter, the department shall not consider the transfer or exchange of a gaming device between a licensee and an affiliate or affiliated company of that licensee, or between an affiliate and an affiliated company of a licensee, as a taxable sale or purchase pursuant to the provisions of this chapter.

2. As used in this section:

(a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.

(b) "Affiliated company" has the meaning ascribed to it in NRS 463.4825.

(c) "Gaming device" has the meaning ascribed to it in NRS 463.0155.

(d) "Licensee" has the meaning ascribed to it in NRS 463.0171.

Sec. 15. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In administering the provisions of this chapter, the department shall not consider the transfer or exchange of a gaming device between a licensee and an affiliate or affiliated company of that licensee, or between an affiliate and an affiliated company of a licensee, as a taxable sale or purchase pursuant to the provisions of this chapter.

2. As used in this section:

(a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.

(b) "Affiliated company" has the meaning ascribed to it in NRS 463.4825.

(c) "Gaming device" has the meaning ascribed to it in NRS 463.0155.

(d) "Licensee" has the meaning ascribed to it in NRS 463.0171.".

Amend the title of the bill to read as follows: "An Act relating to gaming; providing for a credit against certain gaming fees for certain gaming licensees who develop affordable housing for persons of low income; requiring the housing division of the department of business and industry and the gaming commission to adopt certain regulations; clarifying that certain transfers of gaming devices are not taxable transactions; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Provides for credit against certain gaming fees for gaming licensees who develop affordable housing and clarifies that certain transfers of gaming devices are not taxable transactions. (BDR 41-229)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price and Buckley.

Amendment adopted.

Assemblywoman Buckley moved that Assembly Bill No. 462 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 494.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 524.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

"*1. It is unlawful for a dealer or any other person, with the intent to defraud, to obtain a duplicate certificate of ownership for any vehicle in which he grants a security interest*".

Amend section 1, page 1, by deleting lines 13 through 17 and inserting: "*duplicate certificate of ownership was fraudulently obtained was $2,500 or more, for a gross misdemeanor.*".

Amend section 1, page 2, line 3, by deleting "*$250,*" and inserting "*$2,500,*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 495.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 523.

Amend section 1, page 1, line 21, by deleting "*$50,000.*" and inserting "*$25,000.*".

Amend section 1, page 2, line 4, by deleting "*$50,000* " and inserting "*$25,000* ".

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

"Sec. 2. The amendatory provisions of section 1 of this act do not apply to a dealer, distributor, manufacturer or rebuilder who has a good and sufficient bond on file with the department of motor vehicles and public safety before October 1, 1997, until the business to which the bond applies ceases to exist or is sold or otherwise transferred to another.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 513.

Bill read second time and ordered to third reading.

Assembly Bill No. 535.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 678.

Amend section 1, page 1, line 12, by deleting "sold" and inserting "[sold] *purchased* ".

Amend section 1, page 1, line 15, by deleting "gross receipts" and inserting: "[gross receipts] *sales price*".

Amend section 1, page 1, line 16, by deleting "sale" and inserting "[sale] *purchase*".

Amend sec. 2, page 3, line 32, by deleting "sold" and inserting "[sold] *purchased* ".

Amend sec. 2, page 3, line 35, by deleting "gross receipts" and inserting: "[gross receipts] *sales price*".

Amend sec. 2, page 3, line 36, by deleting "sale" and inserting "[sale] *purchase*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 274.
Bill read second time and ordered to third reading.

Senate Bill No. 335.
Bill read second time and ordered to third reading.

Senate Bill No. 366.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 204.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 204:
YEAS — 42.
NAYS — None.
Assembly Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 216.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 216:
YEAS — 42.
NAYS — None.
Assembly Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 264.
Bill read third time.
Remarks by Assemblywoman Evans.
Roll call on Assembly Bill No. 264:
YEAS — 42.
NAYS — None.
Assembly Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 299.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 299:

YEAS — 42.

NAYS — None.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Bache moved that the vote whereby Assembly Bill No. 497 was refused passage be reconsidered.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 401.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 720.

Amend sec. 13, page 4, line 26, after "*benefits*" by inserting: "*on behalf of the household*".

Amend sec. 19, page 6, by deleting lines 13 and 14 and inserting:

"*(6) Is a person who is:*

(I) Sixty years of age or older;

(II) The caretaker of a child; and

(III) A relative, other than a parent, of that child; or".

Amend sec. 23, pages 8 and 9, by deleting lines 35 through 44 on page 8 and lines 1 through 30 on page 9 and inserting:

"Sec. 23. *1. Except as otherwise provided in subsection 2, a household that receives benefits for 24 months, regardless of whether those months are consecutive or cumulative, is prohibited from receiving additional benefits for 12 consecutive months, unless the head of the household is suffering from a hardship.*

2. The household may receive additional benefits for not more than 6 additional months, regardless of whether those months are consecutive or cumulative, if the administrator determines that providing benefits to the household will significantly increase the likelihood that the head of the household will become self-sufficient and will not need to apply for benefits in the future. A household that receives any additional benefits pursuant to this subsection is prohibited from receiving benefits for 12 consecutive months after the additional benefits cease to be provided, unless the head of the household is suffering from a hardship.

3. The division shall not provide benefits to a household that has received benefits from this or any other state for 60 months, regardless of whether those months are consecutive or cumulative, unless the head of the household is suffering from a hardship.

4. Except as otherwise provided in subsections 5 and 6, a household that is receiving benefits beyond the period prescribed in subsection 1, 2 or 3 because the head of the household is suffering from a hardship may continue to receive benefits for as long as the head of the household suffers from the hardship. Once the head of the household no longer suffers from the hardship, the household is not eligible to receive benefits:

(a) For 12 consecutive months if the household has not received benefits from this or any other state for 60 months, regardless of whether those months are consecutive or cumulative; or

(b) During the lifetime of the head of the household if the household has received benefits from this or any other state for 60 months, regardless of whether those months are consecutive or cumulative, unless the head of the household again suffers from a hardship.

5. A household that is receiving benefits pursuant to this section because the head of the household is suffering from a hardship described in paragraph (c) of subsection 7 may not receive benefits pursuant to this section solely because of that hardship for more than 12 months during the lifetime of the head of the household.

6. Notwithstanding any other provision of this section, if the administrator determines that the denial or suspension of benefits provided to a household solely because the head of the household is deemed to be suffering from a hardship is necessary to ensure that this state does not exceed the limitation set forth in 42 U.S.C. § 608(a)(7)(C), the administrator may deny or suspend such benefits. The administrator shall send written notice to a household whose benefits will be denied or suspended pursuant to".

Amend sec. 23, page 10, by deleting lines 1 and 2 and inserting:

"*(f) Is a person who is:*

(1) Sixty years of age or older;

(2) The caretaker of a child; and

(3) A relative, other than a parent, of that child; or".

Amend sec. 75, page 22, line 42, by deleting "*and notarized* " and inserting "*under oath*".

Amend sec. 85, page 25, line 11, by deleting "Rights" and inserting: "[Rights] *Except as otherwise required by federal law or as a condition to the receipt of federal money, rights*".

Amend the bill as a whole by deleting sec. 85.5 and adding a new section designated sec. 85.5, following sec. 85, to read as follows:

"Sec. 85.5. NRS 425.360 is hereby amended to read as follows:

425.360 1. Any payment of public assistance pursuant to this chapter creates a debt for support to the division by the responsible parent, whether or not the parent received prior notice that his child was receiving public assistance.

2. The division is entitled to the amount to which a dependent child or a person having the care, custody and control of a dependent child would have been entitled for support , *to the extent of the assignment of those rights to support pursuant to NRS 425.350,* and may prosecute or maintain any action for support or execute any administrative remedy existing under the laws of this state to obtain reimbursement of money expended for public assistance from any liable third party, including an insurer, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. § 1167(1)), service benefit plan, or health maintenance organization. If a court enters judgment for an amount of support to be paid by a responsible parent, the division is entitled to the amount of the debt created by that judgment to the extent of [public assistance paid,] *the assignment of rights to support pursuant to NRS 425.350,* and the judgment awarded shall be deemed to be in favor of the division [.] *to that extent.* This entitlement applies *to,* but is not limited to , a temporary order for spousal support, a family maintenance order or an alimony order, whether or not allocated to the benefit of the child on the basis of providing necessaries for the caretaker of the child, up to the amount paid by the division in public assistance to or for the benefit of a dependent child. The division may petition the appropriate court for modification of its order on the same grounds as a party to the action.

3. If there is no court order for support, or if the order provides that no support is due but the facts on which the order was based have changed, the amount due is the amount computed pursuant to NRS 125B.070 and 125B.080, using the Nevada average wage, determined by the employment security division of the department of employment, training and rehabilitation, if the gross income of the responsible parent cannot be otherwise ascertained.

4. Debts for support may not be incurred by a parent or any other person who is the recipient of public assistance for the benefit of a dependent child for the period when the parent or other person is a recipient.".

Amend sec. 105, page 46, by deleting lines 10 through 16 and inserting: "Security Act (42 U.S.C. §§ 601 et seq.).".

Amend sec. 149, page 68, line 15, by deleting "*may,*" and inserting "*shall,*".

Amend sec. 149, page 68, by deleting line 20 and inserting: "shall *notify the parent immediately of the receipt of that notice and* comply with the provisions of this section [.] *unless, within 20 days after the notice was mailed to the employer or labor organization, the enforcing authority notifies*

the employer or labor organization that the parent has provided the enforcing authority with written proof that the parent has enrolled the child in a plan of health insurance required by the order of the court.".

Amend sec. 176, page 84, line 2, by deleting "may" and inserting "[may] *shall* ".

Amend sec. 176, page 84, by deleting line 5 and inserting: "the information may *not* be given to the agency [only after notice] *until:*

(a) Notice of the proposed".

Amend sec. 176, page 84, line 7, by deleting "information." and inserting: "information [.".

Amend sec. 176, page 84, by deleting line 11 and inserting: "3.] *; and*

(b) The agency has furnished evidence satisfactory to the enforcing authority that the agency is of the kind defined in 15 U.S.C. § 1681a(f).

2. The welfare division *of the department of human resources* shall".

Amend sec. 176, page 84, line 16, by deleting "4." and inserting "[4.] *3.*".

Amend sec. 178, page 84, line 38, by deleting: "179, 180 and 181" and inserting: "179 to 181.7, inclusive,".

Amend sec. 180, page 85, line 6, after "*child.*" by inserting: "*An affidavit for the voluntary acknowledgment of paternity that is signed pursuant to this subsection is not required to be ratified by a court of this state before the affidavit is deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child.*".

Amend the bill as a whole by adding new sections designated sections 181.3 and 181.7, following sec. 181, to read as follows:

"Sec. 181.3. *1. Every court order establishing the paternity of a child that is issued in this state on or after October 1, 1998, must include:*

(a) The names, dates of birth, social security numbers and drivers' license numbers of the parents of the child;

(b) The name and social security number of the child;

(c) The case identification number assigned by the court; and

(d) Such other information as the welfare division of the department of human resources determines is necessary to carry out the provisions of 42 U.S.C. § 654a.

2. A court that, on or after October 1, 1998, issues an order in this state establishing the paternity of a child shall provide to the welfare division such information regarding the order as the welfare division determines is necessary to carry out the provisions of 42 U.S.C. § 654a.

3. Within 10 days after a court of this state issues an order establishing the paternity of a child, each party to the cause of action shall file with the court that issued the order and the welfare division:

(a) His social security number;

(b) His residential and mailing addresses;

(c) His telephone number;

(d) His driver's license number; and

(e) The name, address and telephone number of his employer.

Each party shall update the information filed with the court and the welfare division pursuant to this subsection within 10 days after that information becomes inaccurate.

4. The welfare division shall adopt regulations specifying the particular information required to be provided pursuant to subsections 1 and 2 to carry out the provisions of 42 U.S.C. § 654a.

Sec. 181.7. *If, after a court issues an order establishing the paternity of a child, a subsequent cause of action between the parties concerning the support of the child is initiated, the requirements for notice and service of process shall be deemed to have been met with respect to a party to the proceeding who cannot be found if:*

1. The party initiating the proceeding shows proof that diligent effort has been made to ascertain the location of the missing party; and

2. Written notice of the initiation of the proceeding has been mailed to the mailing address of the missing party or the address of the missing party's employer as those addresses appear in the information required to be filed pursuant to subsection 3 of section 181.3 of this act.".

Amend sec. 296, page 128, by deleting lines 21 through 30 and inserting: "vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated [no] *not* more than 90 days before the date of the request. The written release must be in a form required by the director.

3. Except as otherwise provided in subsection 2, the director shall not release to any person who is not *a representative of the welfare division of the department of human resources or* an officer, employee or agent of a law enforcement agency or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415, 253.044 or 253.220, or who is not authorized to transact insurance pursuant to chapter 680A of NRS:".

Amend sec. 296, page 129, by deleting lines 32 through 35 and inserting:

"(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor".

Amend sec. 296, page 129, line 41, by deleting "which" and inserting "that".

Amend sec. 296, page 130, line 5, by deleting "NRS 648.060," and inserting: "chapter 648 of NRS,".

Amend sec. 296, page 130, between lines 14 and 15, by inserting:

"(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

(k) In the bulk distribution of surveys, marketing material or solicitations, if the director has adopted policies and procedures to ensure that:

(1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;

(2) Each person about whom the information is requested has clearly been provided with an opportunity to prohibit such a use; and

(3) If the person about whom the information is requested prohibits in a timely manner such a use, the bulk distribution will not be directed toward that person.".

Amend sec. 296, page 130, line 15, by deleting "A" and inserting: "Except as otherwise provided in paragraph (j) of subsection 5, a".

Amend sec. 296, page 130, by deleting line 17 and inserting: "Such a person shall keep and maintain for 5 years a".

Amend sec. 296, page 130, line 20, by deleting the comma and inserting a period.

Amend sec. 296, page 130, line 21, by deleting: "which must be" and inserting: "The record must be made".

Amend sec. 296, page 130, line 32, by deleting "addition ," and inserting "addition,".

Amend sec. 296, page 131, line 12, by deleting "which" and inserting "that".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblymen Evans, Close and Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblymen Herrera and Freeman.

Roll call on Assembly Bill No. 477:

YEAS — 41.

NAYS — None.

Not voting — Krenzer.

Assembly Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 510.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 510:

YEAS — 42.

NAYS — None.

Assembly Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 515:

YEAS — 42.

NAYS — None.

Assembly Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 522.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 522:

YEAS — 41.

NAYS — None.

Not voting — Carpenter.

Assembly Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 414 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 274 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 525.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 525:
YEAS — 42.
NAYS — None.
Assembly Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 573.
Bill read third time.
Remarks by Assemblyman Lee.
Roll call on Assembly Bill No. 573:
YEAS — 42.
NAYS — None.
Assembly Bill No. 573 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 576.
Bill read third time.
Remarks by Assemblymen Tiffany and Goldwater.
Conflict of interest declared by Assemblyman Goldwater.
Roll call on Assembly Bill No. 576:
YEAS — 41.
NAYS — None.
Not voting — Goldwater.
Assembly Bill No. 576 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 17.
Resolution read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Joint Resolution No. 17:
YEAS — 35.
NAYS — Amodei, Collins, Evans, Gustavson, Lee, Ohrenschall, Price — 7.
Assembly Joint Resolution No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Assembly Bill No. 497.
Bill read third time.
The following amendment was proposed by Assemblyman Carpenter:

Amendment No. 740.

Amend the bill as a whole by deleting section 1, renumbering sections 2 and 3 as sections 5 and 6 and adding new sections designated sections 1 through 4, following the enacting clause to read as follows:

"Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the provisions of NRS 202.265, it is unlawful for a pupil to possess or carry a dangerous knife while on the property of a private or public school or while in a vehicle of a private or public school, unless the pupil has written permission from the principal of the school to carry or possess the knife.

2. A person who violates the provisions of this section is guilty of a gross misdemeanor.

3. As used in this section, "dangerous knife" means a knife having a blade that is fixed or may be locked and which is 2 1/2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle. The term includes, without limitation, a butterfly knife.

Sec. 2. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school, sells or distributes any controlled substance or is found in possession of a dangerous weapon, while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, he must be permanently expelled from that school, but he may be required to attend another kind of school.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, he must be permanently expelled from the school, but he may be required to attend another kind of school. The superintendent of schools of a school district may, in a particular case in that school district, allow an exception to the expulsion requirement of this subsection.

3. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

4. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

5. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.).

6. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slung shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife , *a dangerous knife as defined in section 1 of this act* or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

Sec. 3. NRS 393.410 is hereby amended to read as follows:

393.410 1. It is unlawful for any person:

(a) Willfully and maliciously to injure, mark or deface any public schoolhouse, its fixtures, books or appurtenances;

(b) To commit any nuisance in any public schoolhouse;

(c) To loiter on or near the school grounds; or

(d) Purposely and maliciously to commit any trespass upon the grounds attached to a public schoolhouse, or any fixtures placed thereon, or any enclosure or sidewalk about the same.

2. Except as otherwise provided in subsection 3, any person violating any of the provisions of this section shall be guilty of a public offense, as

prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed and in no event less than a misdemeanor.

3. Any person who is in possession of a dangerous weapon during his commission of a violation of paragraph (b), (c) or (d) of subsection 1 shall be guilty of a gross misdemeanor.

4. As used in this section:

(a) "Dangerous knife" means a knife having a blade that is [2] *fixed or may be locked and which is 2 1/2* inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle. *The term includes, without limitation, a butterfly knife.*

(b) "Dangerous weapon" means:

(1) An explosive or incendiary device;

(2) A dirk, dagger, switchblade knife or dangerous knife;

(3) A nunchaku or trefoil;

(4) A blackjack or billy club or metal knuckles; or

(5) A pistol, revolver or other firearm.

(c) "Explosive or incendiary device" has the meaning ascribed to it in NRS 202.260.

(d) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(e) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

(f) "Trefoil" has the meaning ascribed to it in NRS 202.350.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the provisions of NRS 202.265, it is unlawful for a student to possess or carry a dangerous knife while on the property of the University and Community College System of Nevada, unless the student has written permission from the president of a branch or facility of the System.

2. A person who violates the provisions of this section is guilty of a gross misdemeanor.

3. As used in this section, "dangerous knife" means a knife having a blade that is fixed or may be locked and which is 2 1/2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle. The term includes, without limitation, a butterfly knife.".

Amend the title of the bill, first line, by deleting "a person" and inserting "certain persons".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblymen Carpenter, Hickey, Lee, Giunchigliani, Collins, Price, Anderson, Bache, Manendo and Buckley.

Assemblywoman Buckley moved that Assembly Bill No. 497 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 414.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 722.

Amend sec. 10, page 4, between lines 33 and 34, by inserting:

"*4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 29.

Bill read third time.

Remarks by Assemblymen Hettrick and Close.

Roll call on Senate Bill No. 29:

YEAS — 42.

NAYS — None.

Senate Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 129.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Senate Bill No. 129:

YEAS — 34.

NAYS — Close, de Braga, Evans, Giunchigliani, Goldwater, Herrera, Hickey, Perkins — 8.

Senate Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 260.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 260:

YEAS — 42.

NAYS — None.

Senate Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 348.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 348:

YEAS — 42.

NAYS — None.

Senate Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 358.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 358:

YEAS — 42.

NAYS — None.

Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 359.

Bill read third time.

Remarks by Assemblymen Manendo, Humke and Anderson.

Roll call on Senate Bill No. 359:

YEAS — 42.

NAYS — None.

Senate Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 274 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 274.

Bill read third time.

Remarks by Assemblymen Collins and Bache.

Roll call on Senate Bill No. 274:

YEAS — 41.

NAYS — Hickey.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 364, 369, 370, 407, 408 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 128.

The following Senate amendment was read:

Amendment No. 558.

Amend section 1, page 1, line 6, by deleting the period and inserting: "*as a volunteer ambulance driver or attendant.*".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 128.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 46; Senate Concurrent Resolution No. 51.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to John Carpenter, Doug DeForest and Lois DeForest.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jullian Menesini.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Isaac Pierce and Isaiah Pierce.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Hunter Hays, Alexander Hays, Lisa Hays and Rushay Hays.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jeannie Deeg.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Morgan and Burt Buy.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Mills, Luis Valera, Terry Moore, Margret Persh, Leah Griffith, Will Price, David Shapiro, Steve Amend and Daron Dorsey.

Assemblyman Perkins moved that the Assembly adjourn until Friday, June 20, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 1:01 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-SECOND DAY

CARSON CITY (Friday), June 20, 1997

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, The Reverend Patrick Hardy.

Gracious God, You know what a hectic time this is for us and how the press of business pushes us along so that we miss Your glorious sunshine; miss Your word coming through the pain and the needs of those whom we seek to serve; miss Your love as spoken by concerned colleagues and staff. Forgive us for these gross insensitivities. In this precious, quiet moment restore our senses so that we might truly see and hear and smell and feel and know that the pursuit of the common good is also Your goal and that with You all things are possible. In Your precious Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 158, 205, 228, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 545, 568, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 72, 170, 171, 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 298, 469; Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 20, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 52.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Evans, Herrera, Carpenter, Giunchigliani, Bache, Hettrick, Hickey, Freeman, Cegavske, Braunlin, Lee, Gustavson, Sandoval, Mortenson, Collins, Manendo, Koivisto, Close, Ohrenschall, Marvel, Segerblom, Nolan, Amodei, Tiffany, Lambert, Parks, Neighbors, de Braga, Perkins and Price:

Assembly Concurrent Resolution No. 47—Commending the members of the Retired Public Employees of Nevada for their continued public service.

Assemblywoman Segerblom moved the adoption of the resolution.

Remarks by Assemblywoman Segerblom.

Resolution adopted.

Senate Concurrent Resolution No. 52.

Assemblywoman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Humke, Anderson and Ernaut.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN EVANS:

Thank you, Mr. Speaker. Members of the Assembly, it is truly an honor and privilege for me to speak on behalf of the resolution for Dr. Meyers. Dean Meyers has had a long and distinguished career as an educator, teacher, guidance counselor, and university professor, and since 1983, we at the University of Nevada, Reno have been fortunate to have him in the top position of leadership for our very fine College of Education.

I think it is fitting and appropriate that as Dean Meyers marks the beginning of his retirement, he leaves behind a legacy not only in terms of service to his community, the university, and the young people of Nevada, but also with a magnificent new edifice rising on the hill at the Reno campus. The building is the new College of Education, and I dare say that without the effort, determination and leadership of Dean Meyers, that building would not be a reality today. It has been a combined public-private partnership. Although the state has put money into that fine building, Dean Meyers himself has taken a leading role in asking members of the community—individuals, businesses, foundations—to contribute a very substantial sum that has made that building possible.

When we say goodbye to someone of Dean Meyers' stature, we have mixed emotions. We wish him well and Godspeed in the future. I, of course, am personally exceedingly jealous that he's retiring instead of me. However, the loss is great in terms of his many contributions, and we will miss him. As the saying goes, one may have a successor, someone may come and take his position, but they will have a very difficult job filling his shoes. Thank you, Mr. Speaker.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I, too, rise in support of SCR 52. I've known Frank Meyers for many years. He is a stalwart in the education community of this country, and I am very thankful that he came off the plains of North Dakota and came west to this beautiful land of Nevada to lend his assistance to this state, to serve as dean, to assist us in our educational crisis, and to educate educators in a rapid-growth state that is in constant need of excellent teachers. His major contribution has been to supply the schools in our state with excellent teachers, and for that we thank him.

I would suggest that the previous speaker is not correct to say good-bye. I think it's more appropriate to say simply, "Thank you."

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I, too, rise in support of SCR 52. Dr. Meyers is an unusual man, to say the least, a visionary. Indeed, sometimes I think we overuse the term "visionary," and I don't want to do that in this case, but clearly, to have a vision, you have to be well-founded in the basics; you have to know both what you stand for and where you want to go; you have to be a risk-taker; you have to be willing to expose the needs of society and face them and not lose track of where you stand to get you to where you want to be. Frank Meyers has always been the kind of visionary who clearly knew that children were the ultimate goal and that a college of education should be clearly focused on doing what is best for children. He promoted that atmosphere in the College of Education. His concerns have always been clearly focused; that teachers who come out of the University of Nevada's School of Education know that children come first. He has promoted that atmosphere within his teaching staff. He has transmitted it to his students, who then become teachers, who then promote it in the classrooms in which they teach. Frank Meyers is a visionary person I believe we are all going to miss, and indeed, I wish to add my thanks to the great strides that he has brought in education in this state.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I, too, stand in support of Senate Concurrent Resolution 52. I think anybody who is familiar with my long career at the University of Nevada would not be surprised to learn that the dean of the Education College and I never actually met, but I certainly have heard a tremendous amount about his accomplishments. I want to take a moment today to introduce to the body two people who know Dr. Meyers very well, and two people that you know very well, former Lieutenant Governor Bob Cashell and his wife, Nancy.

Resolution adopted.

Assemblywoman Giunchigliani moved that Assembly Bill No. 118 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 513.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblyman Nolan moved that Senate Bill No. 103 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Nolan.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 404 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 279, 296, 401, 414, 494, 495, 535 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 401 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 624—An Act making an appropriation to the Department of Museums, Library and Arts for a sculpted bust of former Assemblyman Marvin Sedway; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 625—An Act making an appropriation to the Department of Transportation for the construction of a bridge east of the Vista Interchange of Interstate Highway No. 80; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 220.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 694.

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

"Section 1. Section 2 of chapter 80, Statutes of Nevada 1995, at page 100, is hereby amended to read as follows:

Sec. 2. There is hereby appropriated from the state general fund to the department of prisons the sum of $1,503,024, for expenses related to [the opening] *Phases I and II* of the Lovelock *Correctional Center.* [correctional facility, to be allocated as follows:

Phase I Equipment..... $1,231,787

Phase I Medical Equipment..... $235,826

Phase I Nevada Criminal Information System

(Lovelock Hook-Up Supplies and Equipment)..... $35,411]

Sec. 2. Section 4 of chapter 80, Statutes of Nevada 1995, at page 100, is hereby amended to read as follows:

Sec. 4. *1.* Any remaining balance of the appropriation made by section 2 of this act *in excess of $200,000* must not be committed for expenditure after June 30, 1997, and reverts to the state general fund as soon as all payments of money committed have been made.

2. Any remaining balance of the appropriation made by section 2 of this act of $200,000 or less must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend section 1, page 1, line 1, by deleting "There" and inserting "1. There".

Amend section 1, page 1, line 2, by deleting: "$405,486 for equipment," and inserting "$146,223 for".

Amend section 1, page 1, between lines 3 and 4, by inserting:

"2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1998, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. 1. There is hereby appropriated from the state general fund to the Department of Prisons the sum of $27,738 for equipment to operate Phase II of the Lovelock Correctional Center.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill, first line, after "ACT" by inserting: "relating to state financial administration; extending the prospective date for the reversion of certain previously appropriated money; authorizing a new use of certain previously appropriated money;".

Amend the summary of the bill, first line, by deleting: "Makes appropriation to Department of Prisons" and inserting "Provides".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 483.

Bill read second time.

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

Amendment No. 714.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, pages 1 and 2, by deleting lines 3 through 19 on page 1 and lines 1 through 9 on page 2 and inserting:

"Section 1. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The consumer's advocate shall:

(a) Compile and maintain records that:

(1) Pertain to the telecommunication services available in this state, including, without limitation, those services related to medicine, education, libraries and community and economic development; and

(2) Are submitted to the consumer's advocate on a voluntary basis by providers of telecommunication services.

Records compiled and maintained pursuant to this subsection must be updated annually and maintained in a format that can be easily understood.

(b) Receive and maintain information from the local governments, general public and businesses of this state regarding the need for telecommunication services, including, without limitation, issues relating to the access, connectivity and capacity of telecommunication services in the rural areas of this state.

(c) In cooperation with the local governments, general public and businesses of this state, identify problems and facilitate the development of solutions regarding the provision of telecommunication services in the rural areas of this state.

(d) Act as an advocate for the general public and businesses of this state in matters before the public service commission of Nevada that concern the carrying out by the commission of federal and state statutes and regulations relating to universal service.

(e) Facilitate coordination among the agencies and local governments of this state and the public service commission of Nevada regarding issues relating to telecommunication services.

2. As used in this section, "universal service" means the availability of affordable and reliable basic telecommunication service to as many customers in this state as economically and operationally practicable.".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 2.

Amend sec. 4, page 2, by deleting lines 28 and 29 and inserting:

"228.300 As used in NRS 228.300 to 228.390, inclusive, *and section 1 of this act,* unless the context otherwise requires:".

Amend the bill as a whole by deleting sections 5 through 8 and the text of repealed section and adding new sections designated sections 3 and 4, following sec. 4, to read as follows:

"Sec. 3. NRS 228.380 is hereby amended to read as follows:

228.380 [The] *Except as otherwise provided in section 1 of this act, the* powers of the consumer's advocate do not extend to matters directly relating to discretionary or competitive telecommunication services.

Sec. 4. This act expires by limitation on June 30, 2003.".

Amend the title of the bill by deleting the third through sixth lines and inserting: "state; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 483 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 486.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 636.

Amend section 1, page 3, by deleting lines 17 through 19 and inserting: "*If, based upon the records of attendance and truancy, the annual rate of attendance of pupils who are enrolled in a school has cumulatively declined by 5 percent or more for 2 or more consecutive years, the school shall develop a plan to improve the attendance of the pupils who are enrolled in the school. The plan must include an identification and description of the causes and factors contributing to the declining attendance of pupils.*".

Amend sec. 2, pages 3 and 4, by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 5, page 6, by deleting line 30 and inserting: "*of the pupil, the school in which the pupil is enrolled and, if the pupil is enrolled in a school that is on a multi-track schedule, a notation or other symbol, if feasible, that is designed to disclose the track to which the pupil is assigned.*".

Amend sec. 6, page 6, line 32, by deleting "*rate*" and inserting "*accounting*".

Amend sec. 6, page 6, line 33, by deleting: "*attendance, truancy and* " and inserting: "*attendance and, if feasible,*".

Amend sec. 6, page 6, by deleting lines 35 and 36 and inserting: "*must indicate the number of absences, if any, for the period covered* ".

Amend sec. 7, page 6, by deleting line 40 and inserting: "*district to develop uniform standards and a common form for reporting truancy of*".

Amend sec. 7, page 6, line 41, after "*standards*" by inserting: "*or such a form*".

Amend sec. 8, page 7, line 1, by deleting "*a*" and inserting: "*at least one*".

Amend sec. 8, page 7, by deleting lines 2 and 3 and inserting: "*school attendance. The membership of each such board may consist of:*".

Amend sec. 10, page 8, line 3, by deleting "*a program*" and inserting "*programs*".

Amend sec. 10, page 8, line 5, by deleting "*that program.*" and inserting "*those programs.*".

Amend sec. 10, page 8, by deleting lines 7 through 9 and inserting: "*section 8 of this act may:*

(a) Use the money in the special account established pursuant to subsection 2 of NRS 62. 211 for the use of programs to reduce the truancy of pupils in the school district.

(b) Make gifts and grants of money to the special account for such programs and for use by the juvenile court pursuant to paragraph (e) of subsection 1 of NRS 62.211.

The board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of all money used by the board to review school attendance to reduce the rate of truancy of pupils in the school district.".

Amend sec. 11, page 8, line 13, by deleting the italicized comma.

Amend sec. 11, page 8, by deleting line 14 and inserting: "*and the pupil has six or more unapproved absences, the school may submit a written referral of the pupil to the board to review*".

Amend sec. 11, page 8, line 15, after "*act.*" by inserting: "*Such a referral must be made only if the school determines, in consultation with the person who made the request for a referral, the principal or his designee, and a school counselor, that the referral is necessary.*".

Amend sec. 14, pages 9 and 10, by deleting line 44 on page 9 and lines 1 through 8 on page 10 and inserting: "*written approval of* his teacher or the principal of the school [.] , *unless the pupil is physically or mentally unable to attend school. The teacher or principal may give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.*"

2. Absence for any part of a day shall be deemed [absence for the entire day within the meaning] *a truancy for the purposes* of this section.

3. [The]".

Amend sec. 14, page 10, line 9, by deleting "*2.*".

Amend sec. 14, page 10, line 11, by deleting: "*shall, if practicable,*" and inserting "*shall* ".

Amend sec. 14, page 10, by deleting line 12 and inserting: "*writing within 3 days after the pupil returns to school.*".

Amend sec. 14, page 10, line 13, by deleting "*3.*" and inserting:

"*4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence.*".

Amend sec. 14, page 10, line 18, by deleting: "*mail, return receipt requested,*" and inserting "*mail* ".

Amend sec. 14, page 11, line 4, by deleting "*4.*" and inserting "*5.*".

Amend sec. 15, page 11, line 18, by deleting "*2*" and inserting "*3*".

Amend sec. 16, page 11, line 25, by deleting: "*less than 18 years of age,*" and inserting: "*17 years of age or younger*".

Amend sec. 17, page 11, line 32, after "child" by inserting: "*who is 17 years of age or younger*".

Amend sec. 18, page 11, line 43, by deleting: "*less than 18 years of age*" and inserting: "*17 years of age or younger*".

Amend sec. 20, page 12, by deleting sec. 20 and inserting:

"Sec. 20. (Deleted by amendment.)".

Amend sec. 23, page 15, by deleting line 14 and inserting: "*the account established pursuant to subsection 2 to pay for*".

Amend sec. 23, page 16, line 34, by deleting "*to the*" and inserting "*to a*".

Amend sec. 23, page 16, by deleting lines 35 and 36 and inserting: "*rate of truancy in the public schools of the county and for use by the court pursuant to paragraph (e) of subsection 1.*".

Amend sec. 26, page 19, line 1, after "*shall* " by inserting: ", *in consultation with all governing bodies of cities within the county, if any,*".

Amend the bill as a whole by deleting sec. 27 and inserting a new section designated sec. 27, following sec. 26, to read as follows:

"Sec. 27. Sections 1 and 4 of Senate Bill No. 277 of this session are hereby amended to read as follows:

Section 1. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 and section 1 of Assembly Bill No. 39 of this session, if the court finds that a child is within the purview of this chapter, it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency, the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction,

to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution. The court may use the money in the account established pursuant to subsection 2 to pay for any counseling ordered by the court pursuant to this paragraph if a parent, guardian or custodian of a child demonstrates to the satisfaction of the court that he needs financial assistance to pay for the care and treatment.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from applying for a driver's license for not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to apply for a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to apply for a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not

require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

(m) If the child has not previously been found to be within the purview of this chapter and if the act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or violence, order the child to participate in a publicly or privately operated program of sports or physical fitness. If the court orders the child to participate in such a program, the court may order any or all of the following, in the following order of priority if practicable:

(1) The parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;

(2) The child to work on projects or perform public service pursuant to paragraph (i) for a period that reflects the costs associated with the participation of the child in the program; or

(3) The county in which the petition alleging the child to be delinquent or in need of supervision is filed to pay the costs associated with the participation of the child in the program.

2. If the court finds that a child is a habitual truant and imposes a fine pursuant to paragraph (l), the money collected from the fine must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall, on or before the 15th day of that month, deposit the money in the county general fund for credit to a separate account to support programs to reduce the rate of truancy in the public schools of the county and for use by the court pursuant to paragraph (e) of subsection 1.

3. If the court places a child in need of supervision under formal supervision and the child violates a condition of that formal supervision, the court may detain the child for not more than 30 days.

4. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

5. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

6. Except as otherwise provided in section 7 of Senate Bill No. 102 of this session, at any time either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

7. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school

that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

8. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 4. Section 1 of this act becomes effective at [12:02] 12:03 a.m. on October 1, 1997.".

Amend the bill as a whole by renumbering sections 29 and 30 as sections 31 and 32 and inserting new sections designated sections 29 and 30, following sec. 28, to read as follows:

"Sec. 29. On or before July 1, 1998, the board of trustees of each school district shall establish a policy that requires pupils to carry identification cards pursuant to section 5 of this act for use by pupils commencing in the 1998-1999 school year.

Sec. 30. There is hereby appropriated from the state general fund to the department of education the sum of $500,000 for distribution to each county treasurer in this state in an amount proportionate to the total number of pupils who are enrolled in the county school district. The county treasurer shall deposit the money in the account established pursuant to subsection 2 of NRS 62.211. The money must be used by the:

1. Board to review school attendance in the county created pursuant to section 8 of this act to reduce the rate of truancy of pupils in the public schools in the county.

2. Juvenile court in accordance with paragraph (e) of subsection 1 of NRS 62.211.".

Amend sec. 28, page 23, line 8, by deleting "1997," and inserting "1998,".

Amend sec. 28, page 23, line 12, by deleting "1997." and inserting "1998.".

Amend the title of the bill by deleting the third through fifth lines and inserting: "attendance; providing for the establishment of a curfew during school hours; making an appropriation; providing a penalty; and providing".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Assemblyman Williams moved that Assembly Bill No. 486 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 577.

Bill read second time and ordered to third reading.

Assembly Bill No. 584.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 719.

Amend the bill as a whole by renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as otherwise provided in subsections 3 and 4, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the alcoholic content of his blood or breath or the presence of a controlled substance when such a test is administered at the direction of a police officer having reasonable grounds to believe that the person to be tested was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the alcoholic content of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A police officer may direct the person to submit to a blood test as set forth in subsection 7 if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.205, NRS 488.206, section 4 of this act or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this state or another jurisdiction in which death or substantial bodily harm to another person resulted from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

5. If the presence of a controlled substance in the blood of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a police officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or a controlled substance, the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance in his blood.

8. If a person who is less than 18 years of age is directed to submit to an evidentiary test pursuant to this section, the officer shall immediately notify the parent, guardian or custodian of the person, if known.".

Amend the bill as a whole by adding a new section designated sec. 10, following sec. 8, to read as follows:

"Sec. 10. Section 8 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill, third line, after "blood;" by inserting: "requiring an officer to notify the parent, guardian or custodian of a child less than 18 years of age who is directed to submit to an evidentiary test to determine whether he was driving under the influence of intoxicating liquor or a controlled substance under certain circumstances;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning persons less than 21 years of age driving under the influence of intoxicating liquor or controlled substance. (BDR 43-590)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 584 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 587.

Bill read second time and ordered to third reading.

Assembly Bill No. 595.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 741.

Amend section 1, page 1, by deleting lines 11 and 12 and inserting: "*foreseeable if a person of ordinary intelligence and prudence could have reasonably anticipated the conduct and the probability of injury.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 600.

Bill read second time and ordered to third reading.

Senate Bill No. 192.

Bill read second time and ordered to third reading.

Senate Bill No. 244.

Bill read second time and ordered to third reading.

Senate Bill No. 280.

Bill read second time.

Assemblyman Anderson moved that Senate Bill No. 280 be re-referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 351.

Bill read second time and ordered to third reading.

Senate Bill No. 103.

Bill read second time.

The following amendment was proposed by Assemblyman Nolan:

Amendment No. 687.

Amend sec. 4, page 2, line 23, by deleting "*and*".

Amend sec. 4, page 2, line 29, by deleting the italicized period and inserting "*; and*".

Amend sec. 4, page 2, between lines 29 and 30, by inserting:

"*(c) Maintain records of sexual offenses committed against a child. Such records must be kept separate from any other records concerning abuse of a child as defined in NRS 200.508, and may include, without limitation:*

(1) The age of the child;

(2) The gender of the child;

(3) A description of the type of sexual offense committed;

(4) The relationship of the offender to the child;

(5) The physical location where the sexual offense was committed;

(6) The length of time, if any, that the offender had lived in the geographic area in which he committed the sexual offense; and

(7) The number of children against whom the offender has admitted to or has been convicted of committing a sexual offense.".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblymen Nolan, Buckley, Perkins and Sandoval.

Amendment adopted on a division of the house.

Assemblyman Anderson moved that Senate Bill No. 103 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assemblyman Perkins moved that the Assembly recess until 5:30 p.m.

Motion carried.

Assembly in recess at 12:13 p.m.

ASSEMBLY IN SESSION

At 5:40 p.m.

Mr. Speaker presiding.

All present except Assemblywoman Krenzer, who was excused.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bill No. 320; Senate Joint Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 537, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 20, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 55, 62, 71, 136, 213, 219, 226, 229, 236, 287, 327, 396.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 47.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 80.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 336 and requests a conference, and appointed Senators Adler, McGinness and Washington as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Joint Resolution No. 14.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gustavson, Dini, Price and Hettrick:

Assembly Joint Resolution No. 19—Urging Congress to cease funding the Bureau of Land Management.

WHEREAS, The provisions of Clause 17 of Section 8 of Article I of the Constitution of the United States authorize Congress "[t]o exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings"; and

WHEREAS, The Federal Government controls approximately 87 percent of the land in the State of Nevada, and in Esmeralda, Lincoln, Mineral, Nye and White Pine counties, the Federal Government controls from 97 percent to 99 percent of the land; and

WHEREAS, Such control does not comply with the requirements of Clause 17 of Section 8 of Article I of the Constitution of the United States and is unlawful; and

WHEREAS, Approximately 48,000,000 acres of the public lands in this state are controlled by the Bureau of Land Management; and

WHEREAS, The exercise of dominion and control of the public lands in this state by the United States works a severe, continuous and debilitating hardship upon the people of the State of Nevada; and

WHEREAS, The continued funding by Congress represents the misapplication of public funds to an unconstitutional purpose; and

WHEREAS, Either house of Congress may stop such unlawful expenditure by refusing to appropriate and budget the funds; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature urges Congress to cease funding the Bureau of Land Management; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Chairmen of the Senate Committee on the Budget, the House Committee on the Budget, the Senate Committee on Appropriations and the House Committee on Appropriations and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblyman Gustavson moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 626—An Act relating to pharmacists; authorizing a registered pharmacist to sell or furnish a prepackaged contact lens under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 401.

Bill read third time.

Remarks by Assemblymen Evans, Gustavson, Freeman, Anderson, Carpenter and Price.

Roll call on Assembly Bill No. 401:

YEAS — 40.

NAYS — Gustavson.

Excused — Krenzer.

Assembly Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 170.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 632.

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 5.

Amend sec. 6, page 7, line 24, by deleting "*17*" and inserting "*16*".

Amend the bill as a whole by renumbering sec. 8 as sec. 6 and renumbering sections 9 through 31 as sections 8 through 30.

Amend sec. 8, page 8, by deleting lines 39 through 41 and inserting: "*the condition that the person actively participate in:*

(a) A program of treatment for the abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to section 31 of this act; or

(c) Both programs set forth in paragraphs (a) and (b),

and that he comply with any other condition of suspension ordered by the justice of the peace.".

Amend sec. 9, page 9, by deleting lines 24 through 26 and inserting: "*condition that the person actively participate in:*

(a) A program of treatment for the abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to section 31 of this act; or

(c) Both programs set forth in paragraphs (a) and (b),

and that he comply with any other condition of suspension ordered by the municipal judge.".

Amend sec. 12, page 10, line 37, by deleting "*11*" and inserting "*10* ".

Amend sec. 14, page 12, line 36, by deleting "*11*" and inserting "*10* ".

Amend sec. 16, page 14, line 16, by deleting "*11*" and inserting "*10* ".

Amend sec. 19, page 15, line 6, after "*$1,000.*" by inserting: "*A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at his place of employment or on a weekend.*".

Amend sec. 19, page 15, line 24, by deleting "*31*" and inserting "*30* ".

Amend sec. 19, page 15, line 29, by deleting "*31*" and inserting "*30* ".

Amend sec. 19, page 15, line 31, by deleting "*$50.*" and inserting "*$35.*".

Amend sec. 19, page 15, line 34, by deleting "*30* " and inserting "*29* ".

Amend sec. 19, page 15, line 38, by deleting "*drugs.*" and inserting: "*drugs that has been certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation.*".

Amend sec. 20, page 16, line 24, by deleting "including any" and inserting: "including, without limitation, a".

Amend sec. 20, page 16, line 26, by deleting "any" and inserting "a".

Amend sec. 20, page 16, between lines 28 and 29, by inserting:

"(e) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.".

Amend sec. 20, page 16, line 29, by deleting "*19* " and inserting "*18* ".

Amend sec. 20, page 17, by deleting lines 1 through 5 and inserting:

"(c) If the battery is committed upon an officer, school employee or transit operator and:

(1) The officer, school employee or transit operator was performing his duty;

(2) The officer, school employee or transit operator suffers substantial bodily harm; and

(3) The person charged knew or should have known that the victim was an officer, school employee or transit operator,".

Amend sec. 20, page 17, by deleting lines 10 through 12 and inserting:

"(d) If the battery is committed upon an officer, school employee or transit operator who is performing his duty and the person charged knew or should have known that the victim was an officer, school employee or transit operator, for a gross".

Amend sec. 21, page 19, lines 8 and 9, by deleting: "*of the department of motor vehicles*".

Amend sec. 28, page 22, line 23, after "*person*" by inserting: "*who is not an attorney*".

Amend sec. 28, page 22, line 26, after "*violence;*" by inserting "*and* ".

Amend sec. 28, page 22, by deleting lines 27 through 31 and inserting:

"*(b) Is in the unclassified service of the state.*".

Amend sec. 29, pages 22 and 23, by deleting lines 35 through 43 on page 22 and lines 1 through 4 on page 23 and inserting:

"*(a) Prepare quarterly reports relating to victims of domestic violence from information collected from the central repository for Nevada records of criminal history, if any such information is available.*".

Amend sec. 29, page 23, line 5, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 29, page 23, line 6, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 29, page 23, by deleting lines 10 through 18.

Amend sec. 29, page 23, line 19, by deleting "*(g)*" and inserting "*(d)*".

Amend sec. 29, page 23, between lines 26 and 27, by inserting:

"*3. Any grant received by the office of the attorney general for assistance to victims of domestic violence must be used to compensate the ombudsman for victims of domestic violence.*".

Amend sec. 30, page 23, line 29, by deleting "*19* " and inserting "*18* ".

Amend sec. 31, page 24, by deleting line 29 and inserting:

"*(d) To the extent that money is available, arrange for the provision of legal services, including, without limitation, assisting a person in an action for divorce; and* ".

Amend sec. 31, page 24, line 30, by deleting "*(d)*" and inserting "*(e)*".

Amend the bill as a whole by adding a new section designated sec. 31 following sec. 31 to read as follows:

"Sec. 31. 1. The committee on domestic violence appointed pursuant to section 30 of this act shall begin distributing applications for the certification of programs for the treatment of persons who commit domestic violence to courts and facilities that provide treatment for persons who commit domestic violence on or before August 31, 1997.

2. The committee on domestic violence appointed pursuant to section 30 of this act shall begin reviewing applications for the certification of programs for the treatment of persons who commit domestic violence not later than October 1, 1997.".

Amend sec. 32, page 25, line 4, by deleting: "19 and 20" and inserting: "18 and 19".

Amend sec. 32, page 25, line 5, by deleting: "October 1, 1997." and inserting: "January 1, 1998.".

Amend sec. 34, page 25, by deleting lines 9 and 10 and inserting:

"Sec. 34. 1. Section 30 of this act becomes effective on July 1, 1997.

2. Sections 1 to 6, inclusive, 9 to 17, inclusive, 20 to 29, inclusive, 31, 32 and 33 of this act become effective on October 1, 1997.

3. Sections 7 and 8 of this act become effective at 12:01 a.m. on October 1, 1997.

4. Sections 18 and 19 of this act become effective on January 1, 1998.".

Amend the title of the bill to read as follows: "An Act relating to domestic violence; requiring certain persons to transmit certain information regarding orders for protection against domestic violence to the central repository for Nevada records of criminal history; authorizing a justice of the peace and a municipal court judge to suspend the sentence of a person convicted of a misdemeanor that constitutes domestic violence for not more than 3 years under certain circumstances; making various changes concerning the penalties imposed for committing a battery that constitutes domestic violence; requiring a court to register certain orders for protection against domestic violence issued by a court located outside this state; creating the office of ombudsman for victims of domestic violence; creating an account for programs related to domestic violence; requiring the appointment of a committee on domestic violence; providing a penalty; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Anderson, Herrera, Freeman and Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 375.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 759.

Amend sec. 3, page 2, line 5, after "*not*" by inserting: "*, for emergency admissions or involuntary court-ordered admissions,*".

Amend sec. 4, page 2, lines 12 and 13, by deleting: "*provider of mental health care*" and inserting: "*psychiatrist or psychologist*".

Amend sec. 5, page 2, line 32, after "*of the*" by inserting "*clinically appropriate*".

Amend sec. 8, page 2, line 42, after "*practices*" by inserting: "*regarding emergency admissions or involuntary court-ordered admissions*".

Amend sec. 12, page 3, line 43, by deleting "*providing that*" and inserting "*if*".

Amend sec. 12, page 4, by deleting lines 1 and 2 and inserting:

"*8. To have access to his medical records denied to any person other than:*

(a) A member of the staff of the facility or related medical personnel, as appropriate;

(b) A person who obtains a waiver by the client of his right to keep the medical records confidential; or

(c) A person who obtains a court order authorizing the access.".

Amend sec. 16, page 5, line 44, by deleting "*12*" and inserting "*13*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Ernaut.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 419.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Assembly Bill No. 419:

YEAS — 40.

NAYS — None.

Not voting — Dini.

Excused — Krenzer.

Assembly Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 490.

Bill read third time.

Remarks by Assemblymen Goldwater, Close, Von Tobel, Ernaut, Price, Collins, Buckley, Giunchigliani, Mortenson, Nolan and Manendo.

Conflict of interest declared by Assemblyman Ernaut.

Assemblymen Bache, Anderson and Arberry moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 490.

Roll call on Assembly Bill No. 490:

YEAS — 29.

NAYS — Amodei, Anderson, Carpenter, Close, Gustavson, Hickey, Humke, Marvel, Nolan, Price, Von Tobel — 11.

Not voting — Ernaut.

Excused — Krenzer.

Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 511.

Bill read third time.

Remarks by Assemblymen Lee, Lambert, Chowning, Ohrenschall and Cegavske.

Roll call on Assembly Bill No. 511:

YEAS — 36.

NAYS — Carpenter, Close, Collins, Goldwater, Humke — 5.

Excused — Krenzer.

Assembly Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 513.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 513:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Assembly Bill No. 513 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Lambert:

Amendment No. 747.

Amend section 1, pages 2 and 3, by deleting lines 40 through 43 on page 2 and line 1 on page 3 and inserting: "*shall review the application based on applicable zoning ordinances. The requirements of this subsection do not require the relocation or*".

Amend the title of the bill, second through fourth lines, by deleting: "requiring the governing body of a county or city to ensure that a disproportionate number of such facilities are not located in one neighborhood;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 279:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Assembly Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 296.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 296:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Assembly Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 414:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Tiffany.

Assemblyman Arberry moved that Assembly Bill No. 494 be re-referred to the Committee on Ways and Means.

Remarks by Assemblymen Arberry and Tiffany.

Motion lost.

Assemblyman Arberry moved that Assembly Bill No. 494 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assembly Bill No. 495.

Bill read third time.

Remarks by Assemblywoman Tiffany.

Roll call on Assembly Bill No. 495:

YEAS — 39.

NAYS — Cegavske, Chowning — 2.

Excused — Krenzer.

Assembly Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 535.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 535:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Assembly Bill No. 535 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 122.

Bill read third time.

Remarks by Assemblymen Segerblom, Price, Humke and Anderson.

Roll call on Senate Bill No. 122:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Senate Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 335.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 335:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Senate Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 364.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 364:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Senate Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 366.

Bill read third time.

Remarks by Assemblymen Parks, Price, Giunchigliani and Chowning.

Roll call on Senate Bill No. 366:

YEAS — 39.

NAYS — Carpenter, Price — 2.

Excused — Krenzer.

Senate Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 369.

Bill read third time.

Remarks by Assemblywoman Braunlin.

Roll call on Senate Bill No. 369:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Senate Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 370.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Senate Bill No. 370:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 407.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 407:

YEAS — 40.

NAYS — None.

Not voting — Goldwater.

Excused — Krenzer.

Senate Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 408.

Bill read third time.

Remarks by Assemblyman Gustavson.

Potential conflict of interest declared by Assemblywoman Chowning.

Roll call on Senate Bill No. 408:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Senate Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Joint Resolution No. 14, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

BARBARA BUCKLEY
BERNIE ANDERSON
MERLE BERMAN
Assembly Committee on Conference

MIKE MCGINNESS
MAURICE E. WASHINGTON
ERNEST E. ADLER
Senate Committee on Conference

Assemblywoman Buckley moved to adopt the report of the first Committee on Conference concerning Senate Joint Resolution No. 14.

Remarks by Assemblywoman Buckley.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Herrera, Koivisto and Berman as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 336.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to John Boyden and Denise Boyden.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Fogle.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Menath, Lisa Menath, Pat Menath, Sheryl Seaman, Katie Seaman and Mouryne Dini.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Cashell and Nancy Cashell.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Meyers, Margie Meyers, Keith Pierce, Doris Pierce, David Imig, Carol Imig, Donald Meyers, Deede Meyers, Irvin Meyers, JoAnn Meyers, Paul Kaczmarek, Marcella Kaczmarek, Donnie Meyers, Eric Meyers, Patricia Meyers, Becky Meyers, Marian Combs, Cheryl Rodby, Pete Goetz, Jimmy Kunz, Sandy Kunz, Ross Kunz, Marcia Kunz, Alexander Kunz, Griffin Kunz and Jason Lee Kunz.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Blake Baldwin.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Howell.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Allen, John Anderson, Braden Bales, Philip Barnes, Eric Bayles, Steven Beckett, John Bell, Nicholas Bennett, Jason Bitsko, Phillip Bledsoe, Joseph Burch, Craig Burns, Nick Butler, Caleb Cage, Jason Chadderton, Clint Chapman, Timothy Clark, Scott Colon, Bien Decena, Jr., Valentino Diaz, III, Brandon Doolin, Adrian Enriquez, Matthew Feeley, Christopher Fesenmaier, Terry Fleck, Corby Frehner, Daniel Gabica, Wesley Guenther, Eric Guideng, Stephen Gustafson, Adam Hair, Benjamin Halverson, Curtis Hammill, Robert Havel, Corey Hawkins, Ryan Heward, Joe Holland, Kirk Hsu, James Jackson, Terry Jackson, Jeremiah Johnson, Kevin Joyce, Mitchell Kallick, Brian Kelch, Ryan King, Terrance Lewis, Aaron Litz, William Magrath, III, Jason Makris, Travis Manning, Daren Martin, Sean Martin, Robert Martinez, Ryan McMillen, Douglas Medley, Obren Milanovic, Tim Miller, Dantrel Mingo, Justin Moore, Jason Morris, Mark Murphy, Drake Barlow Myers, Carl Netzler, David Nieman, Sean Nolan, James Oravec, Jamie Oster, Rick Perdomo, Earl Peterson, Jr., Gary Philips, Mike Pizzi, Matt Raab, Charles Radovich, Brian Reyes, Brian Roa, Garrett Roy, Michael Russell, C. J. Safford, Wayne Sanders, Neil Shackelford, Chris Shearer, Russell Snooks, Gerardo Soto, Leonard Souza, Zachary Stockdale, Rocky Sutton, Ja Swallow, Damian Taafe-McMenany, Andrew Taylor, Terry Thornley, David Ting, James Tolles, Jerrell Turner, William Tuttle, Roberto Valencia, Jared Wagner, Carl Wander, Jonathan MacNeill Ward, Greg Warpinski, Jason Webb, Noah Wheatley, Edward Wilkerson, Zachary Wilkes, Jeremy Williams, David Wong, Zachary Woodbury, Jay Wright, William Wright, IV, Jordan Yelinek and Sammy Yi.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ambassador Merlin and Leo Rowan.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to James Sanders, Josh Bestman, Flash Bestman, Michael Bardlett, Carlos Ramey, Derek Perkins, DeAnte Perkins, Mohammed Berro, Sharod Perkins, Jamal Johnson, Alton Cyphers, Maurice Andrews, Xavier Williams, David Crisler, Jared Daniels, Kamau Bakari and Loren Perkins.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, June 21, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 7:33 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-THIRD DAY

CARSON CITY (Saturday), June 21, 1997

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Krenzer, who was excused.

Prayer by the Chaplain, The Reverend Richard H. Campbell.

You are known by many names throughout the world. Your goodness, might and power are felt by all Your children. We come before You this day with gratitude in our hearts for Your many blessings to us. We praise You for Your presence here and ask Your blessing upon this Assembly. Their tasks are enormous, give them strength; important, give them wisdom; humane, give them compassion. Grant them Your blessing and also bless our state and our nation now and in the future. We pray in Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were re-referred Assembly Bill No. 501; Senate Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 585, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 599, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Concurrent Resolution No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Senate Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 449, 590, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bill No. 96; Senate Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

COMMUNICATIONS

CARSON CITY, NEVADA, June 13, 1997

THE HONORABLE JOSEPH E. DINI, JR., *Speaker of the Assembly*, Nevada State Legislature, Legislative Building, Carson City, Nevada 89710-4747

DEAR MR. DINI:

On behalf of the family of Ty Cobb, we would like to extend our appreciation to the Nevada State Assembly for joining in the passage of Senate Concurrent Resolution 49 memorializing our father Ty Cobb. It was a great honor for the family and a meaningful tribute to Ty.

Please extend our gratitude to the members of the Assembly.

Thank you also for your very gracious comments concerning Ty.

Best Regards,
TYRUS W. COBB
PATRICIA COBB
WILLIAM G. COBB

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 20, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 172, 187, 448.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 49, 133, 375, 392, 419, 436.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Dini, Neighbors, Collins, Chowning, Krenzer, Amodei, Braunlin, Hettrick, Marvel, Von Tobel, de Braga, Close, Humke, Williams, Giunchigliani, Àrberry, Berman, Buckley, Ernaut, Mortenson, Cegavske, Sandoval, Nolan, Manendo, Evans, Gustavson, Lee, Koivisto, Lambert, Freeman, Hickey, Segerblom, Bache, Tiffany, Perkins, Anderson, Ohrenschall, Carpenter, Parks, Goldwater and Herrera:

Assembly Concurrent Resolution No. 48—Commending the Department of Transportation and the Commission on Tourism for designating state highway Route No. 375 as the Extraterrestrial Highway.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Resolution adopted.

Assembly Concurrent Resolution No. 37.

Resolution read.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 735.

Amend the resolution, page 1, by deleting lines 15 and 16 and inserting: "CONCURRING, That the Legislative Counsel is hereby urged to, in consultation with the State Board of Health and the Health Division of the Department of Human Resources, recodify:

1. NRS 202.2491; and

2. Those portions of NRS 202.249, 202.2492 and 202.24925 that, in the opinion of the Legislative Counsel, may logically be removed from chapter 202 of NRS without causing undue confusion,

in Title 40 of NRS; and be it further".

Amend the preamble of the resolution, page 1, by deleting lines 1 through 7 and inserting:

"WHEREAS, The Nevada Legislature enacted NRS 202.249 to 202.24925, inclusive, to provide for the public health and safety of the residents of the State of Nevada by defining crimes against the public health and safety that involve tobacco; and

WHEREAS, These provisions were originally codified in chapter 202 of NRS, which is entitled "Crimes Against Public Health and Safety"; and

WHEREAS, Because smoking poses such a serious health problem to the residents of this state, the Nevada Legislature believes that these provisions which define crimes against the public health and safety that involve tobacco".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman, Anderson, Buckley, Price and Ernaut.

Assemblywoman Buckley moved that Assembly Concurrent Resolution No. 37 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 118, 170, 220, 375, 595 be placed on the General File.

Motion carried.

Assemblywoman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:50 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ohrenschall, Close, Perkins, Buckley, Manendo, Bache, Arberry, Giunchigliani, Amodei, Price, Collins and Anderson:

Assembly Bill No. 627—An Act relating to mobile homes; providing additional requirements for the protection of their owners, purchasers and renters; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 628—An Act relating to justices' courts; revising the provision governing the number of justices of the peace authorized in townships; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Infrastructure:

Assembly Bill No. 629—An Act relating to local improvements; authorizing the creation of a local improvement district for a street beautification project; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 630—An Act relating to elections; requiring fiscal notes for constitutional amendments and statewide measures proposed by initiative petitions to be prepared by the secretary of state upon consultation with the fiscal analysis division of the legislative counsel bureau; requiring the legislative counsel bureau to distribute copies of the fiscal notes for constitutional amendments and statewide measures to members of the legislature, public libraries, newspapers and broadcasters; providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 631—An Act relating to the legislature; expanding the duties of the committee to consult with the legislative counsel; revising the provisions governing the reporting of certain expenditures made by lobbyists; creating a revolving account for the purchase and sale of souvenirs; making various other changes concerning the operation of the legislative counsel bureau; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 632—An Act relating to the legislature; revising certain provisions concerning the organization of the legislative counsel bureau; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 633—An Act relating to liens; revising provisions governing liens on abandoned vehicles; making various changes concerning the priority of certain liens; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 49.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 133.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 172.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 187.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 375.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 392.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 419.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 436.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 448.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 20—Expressing the strenuous objection of the Nevada Legislature to the recent decision of the United States Bureau of Reclamation regarding the spreading of water from the Carson River.

WHEREAS, To avoid flood damage during certain periods of high water since 1986, the Truckee-Carson Irrigation District has performed precautionary releases of water from the Lahontan Reservoir and disposed of the water for beneficial use; and

WHEREAS, During these periods, the district has delivered excess water to any and all lands without concern for charging for the delivery of the water to a person possessing a valid and existing water right, a practice that is known as spreading; and

WHEREAS, In 1995 and 1996, the district spread water, under criteria approved by the Bureau of Reclamation of the United States Department of the Interior, when Lahontan Reservoir exceeded target storage levels; and

WHEREAS, On April 29, 1997, the Bureau of Reclamation again authorized the district to spread water; and

WHEREAS, On May 19, 1997, the Bureau of Reclamation rescinded the order that allowed the district to spread water during periods of excess flow without charging for the delivery of the water to persons holding a valid and existing water right because, according to the Bureau of Reclamation, the spreading of water may constitute a violation of the Orr Ditch and Alpine decrees, which govern rights to water from the Truckee and Carson rivers, respectively; and

WHEREAS, The district initially complied with the letter of the Bureau of Reclamation of May 19, 1997, and allowed excess water to flow into the Carson Sink, where it evaporated; and

WHEREAS, On May 23, 1997, Chief Judge Lloyd D. George, United States District Court, District of Nevada, saying that an emergency existed, overruled the order of the Bureau of Reclamation, allowed the spreading of water from the Lahontan Reservoir to resume and ordered the Bureau of Reclamation to develop criteria for future spreading; and

WHEREAS, Despite the intervention of the United States District Court, the rescission of the Bureau of Reclamation of the authority of the Truckee-Carson Irrigation District to spread water reduced the water available for irrigation, could have caused flooding and clearly wasted water that could have been put to beneficial use; and

WHEREAS, The district has filed a motion in federal district court three times since 1986 to gain the authority to spread water; and

WHEREAS, Common sense and the laws of this state dictate that the Bureau of Reclamation should put excess water to beneficial use in this state; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby expresses its strenuous objection to the decision of May 19, 1997, of the Bureau of Reclamation of the United States Department of the Interior which rescinded its approval of the spreading of water from the Lahontan Reservoir; and be it further

RESOLVED, That the Nevada Legislature hereby urges the Bureau of Reclamation of the United States Department of the Interior to give its fullest consideration to the needs and recommendations of the Truckee-Carson Irrigation District in the development of criteria for future spreading of water from the Lahontan Reservoir; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the United States Bureau of Reclamation and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblywoman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 506.

Amend the bill as a whole by deleting sections 1 through 9 and adding new sections designated sections 1 through 8 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, the director may assign an offender to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of residential confinement pursuant to NRS 213.380, for not longer than the remainder of his sentence, if:

(a) The director has reason to believe that the offender is:

(1) Physically incapacitated to such a degree that he does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within 12 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians licensed pursuant to chapter 630 of NRS, one of whom is not employed by the department, verify, in writing, that the offender is:

(1) Physically incapacitated; or

(2) In ill health and expected to die within 12 months.

2. If the director intends to assign an offender to the custody of the division of parole and probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the department, the director shall notify:

(a) If the offender will reside within this state after he is released from the custody of the department, the board of county commissioners of the county in which the offender will reside; and

(b) The division of parole and probation.

3. If any victim of a crime committed by the offender has, pursuant to subsection 3 of NRS 213.130, requested to be notified of an application for parole and has provided a current address, the division of parole and probation shall notify the victim that:

(a) The director intends to assign the offender to the custody of the division of parole and probation pursuant to this section; and

(b) The victim may submit documents to the division of parole and probation regarding such an assignment.

If a current address has not been provided by a victim as required by subsection 3 of NRS 213.130, the division of parole and probation must not be held responsible if notification is not received by the victim.

4. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department.

6. The director may not assign an offender to the custody of the division of parole and probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action

against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 2. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in *section 1 of this act and* NRS 209.429, the director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

assign the offender to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the director shall notify the division of parole and probation. If any victim of a crime committed by the offender has, pursuant to subsection 3 of NRS 213.130, requested to be notified of an application for parole and *has* provided a current address, the division of parole and probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the division of parole and probation. If a current address has not been provided as required by subsection 3 of NRS 213.130, the division of parole and probation must not be held responsible if such notification is not received by the victim.

3. The director, after consulting with the division of parole and probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this state or any offense in another state that would be a felony if committed in this state, not including a violation of NRS 484.3792 or 484.3795;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the director,

is not eligible for assignment to the custody of the division of parole and probation [of the department of motor vehicles and public safety] to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department . [of prisons.]

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department , [of prisons,]

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department . [of prisons.

6. A person]

6. An offender does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 3. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

2. "Offender" means a prisoner assigned to the custody of the division pursuant to *section 1 of this act or* NRS 209.392 or 209.429.

3. "Residential confinement" means the confinement of an offender to his place of residence under the terms and conditions established by the division.

Sec. 4. NRS 213.380 is hereby amended to read as follows:

213.380 1. The division shall establish procedures for the residential confinement of offenders.

2. The division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community [;] *, unless the offender is assigned to the custody of the division pursuant to section 1 of this act;*

(b) Require the offender to be confined to his residence during the time he is [away from his] *not:*

(1) Engaged in employment or [treatment, or] *an activity listed in paragraph (a) that is authorized by the division;*

(2) Receiving medical treatment that is authorized by the division; or

(3) Engaged in any other activity *that is* authorized by the division; and

(c) Require intensive supervision of the offender, including unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms and conditions of his confinement.

3. An electronic device approved by the division may be used to supervise an offender if it is minimally intrusive and limited in capability to recording or transmitting information concerning the offender's presence at his residence, including, but not limited to, the transmission of still visual images which do not concern the offender's activities while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the offender's activities while inside his residence,

must not be used.

Sec. 5. NRS 213.400 is hereby amended to read as follows:

213.400 If an offender is absent, without authorization, from his residence, employment, treatment [or] *, including, but not limited to, medical treatment, or any* other activity authorized by the division:

1. He shall be deemed an escaped prisoner; and

2. The chief parole and probation officer may issue a warrant for his arrest. A peace officer shall execute the warrant in the same manner as ordinary criminal process.

Sec. 6. NRS 213.1217 is hereby repealed.

Sec. 7. The amendatory provisions of section 6 of this act do not apply to prisoners who are released on parole before July 1, 1997.

Sec. 8. This act becomes effective on July 1, 1997.

TEXT OF REPEALED SECTION

213.1217 Release of terminally ill prisoner.

1. The board shall consider and may release on parole a prisoner who is statutorily eligible for parole if:

(a) The physician who provides medical attention to the prisoner finds and certifies that the prisoner is in ill health and expected to die within 6 months; and

(b) Two physicians who are in private practice and are not associated with the department of prisons examine the prisoner and confirm the finding of the physician pursuant to paragraph (a).

2. A prisoner paroled pursuant to subsection 1 must be placed under intensive supervision.

3. For the purposes of this section, a prisoner is statutorily eligible for parole if he:

(a) Is not sentenced to death;

(b) Is not sentenced to imprisonment without the possibility of parole; and

(c) Has served the period required by NRS 213.120.".

Amend the title of the bill to read as follows: "An Act relating to prisoners; providing for residential confinement of certain prisoners who are terminally ill or physically incapacitated; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Provides for residential confinement of certain prisoners who are terminally ill or physically incapacitated. (BDR 16-317)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 497 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 595.

Remarks by Assemblyman Carpenter.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 330.

Bill read second time.

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

Amendment No. 762.

Amend section 1, page 1, by deleting lines 3 through 8 and inserting:

"*1. The governing body may adopt an ordinance that authorizes the director of planning or another person or agency to grant minor deviations from requirements for land use established within a zoning district without conducting a hearing. The ordinance must require an applicant for a minor deviation to obtain the written consent of the owner of any real property that would be affected by the minor deviation.*

2. If the director of planning or other authorized person or agency grants a deviation in accordance with its authority delegated pursuant to subsection 1, the director of planning or other authorized person or agency shall ensure that the deviation will not impair the purpose of the zoning district or any regulations adopted by the governing body pursuant to NRS 278.250.

3. An ordinance adopted pursuant to this section must provide an opportunity for an applicant or other aggrieved person to appeal the decision of the director of planning or other authorized person or agency to the governing body.".

Amend the bill as a whole by deleting sec. 2, renumbering sections 3 through 6 as sections 5 through 8 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. NRS 278.0145 is hereby amended to read as follows:

278.0145 "Final map" means a map prepared in accordance with the provisions of NRS [278.010 to 278.630, inclusive, and] *278.325, 278.360 to 278.460, inclusive, 278.472, 278.4725 or 278.4955 and* any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.

Sec. 3. NRS 278.017 is hereby amended to read as follows:

278.017 "Parcel map" means a map as provided in NRS 278.461, 278.462, *278.463,* 278.464 [, 278.466 and 278.467.] *or 278.466.*

Sec. 4. NRS 278.0201 is hereby amended to read as follows:

278.0201 1. In the manner prescribed by ordinance, a governing body may, upon application of any person having a legal or equitable interest in land, enter into an agreement with that person concerning the development of that land. This agreement must describe the land which is the subject of the agreement and specify the duration of the agreement, the permitted uses of the land, the density or intensity of its use, the maximum height and size of the proposed buildings and any provisions for the dedication of any portion of the land for public use. The agreement may fix the period within which construction must commence and provide for an extension of that deadline.

2. Unless the agreement otherwise provides, the ordinances, resolutions or regulations applicable to that land and governing the permitted uses of that

land, density and standards for design, improvements and construction are those in effect at the time the agreement is made.

3. This section does not prohibit the governing body from adopting new ordinances, resolutions or regulations applicable to that land which do not conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made, except that any subsequent action by the governing body must not prevent the development of the land as set forth in the agreement. The governing body is not prohibited from denying or conditionally approving any other plan for development pursuant to any ordinance, resolution or regulation in effect at the time of that denial or approval.

4. The provisions of *subsection 2 of* NRS *278.315 and NRS* 278.350 and 278.360 do not apply if an agreement entered into pursuant to this section contains provisions which are contrary to the respective sections.".

Amend sec. 4, page 3, line 18, by deleting "[Any] *An*" and inserting "Any".

Amend sec. 4, page 3, line 35, by deleting "[Any] *An*" and inserting "Any".

Amend sec. 4, page 4, line 20, by deleting "[any] *a*" and inserting "any".

Amend sec. 4, page 4, line 27, by deleting "[any] *a*" and inserting "any".

Amend sec. 4, page 4, line 32, by deleting "[Any] *An*" and inserting "Any".

Amend sec. 5, page 4, by deleting lines 33 through 35 and inserting: "NRS 278.264 must provide, in substance, the same notice of hearing and conduct of hearing safeguards required by [chapter 233B of NRS for contested cases.] *NRS 278.315 or 278.480, whichever is applicable.*".

Amend sec. 5, page 4, line 38, by deleting "[any] *a*" and inserting "any".

Amend sec. 5, page 5, by deleting lines 3 and 4 and inserting: "*an amendment to a zoning boundary.*".

Amend sec. 5, page 5, line 6, by deleting "[any] *a*" and inserting "any".

Amend sec. 6, page 5, by deleting lines 20 and 21 and inserting: "before the board [or] *of adjustment, planning* commission *or hearing examiner* within 65 days after the filing of the application [.] *, unless a longer time or a different process of review is provided in an agreement entered into pursuant to NRS 278.0201.* A notice setting forth the time, place and purpose of ".

Amend sec. 6, page 5, line 28, by deleting "[Any] *An*" and inserting "Any".

Amend sec. 6, page 5, by deleting line 43 and inserting: "board [or] *of adjustment, planning* commission *or hearing examiner* to the governing body.".

Amend sec. 6, page 6, line 19, by deleting "[any] *a*" and inserting "any".

Amend sec. 6, page 6, line 25, by deleting "[any] *a*" and inserting "any".

Amend the bill as a whole by renumbering sections 7 through 9 as sections 13 through 15 and adding new sections designated sections 9 through 12, following sec. 6, to read as follows:

"Sec. 9. NRS 278.328 is hereby amended to read as follows:

278.328 The governing body may, by ordinance, authorize the planning commission to [act finally] *take final action* on a tentative map and a final map. Any person aggrieved by the commission's action may [, within 7 days after the issuance of the decision,] appeal the commission's decision to the governing body [.] *within a reasonable period to be determined, by ordinance, by the governing body.*

Sec. 10. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of such map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission, together with a filing fee in an amount determined by the governing body.

3. The commission, its designated representative, the clerk or other designated representative of the governing body or, when [permitted] *authorized* by the governing body, the subdivider or any other appropriate agency shall distribute copies of the map and any accompanying data to all state and local agencies charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission, it shall [, within 45 days after receiving] :

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after accepting as a complete application a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to [act finally] *take final action* on a tentative map, the planning commission shall [, within 45 days after receiving] :

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after accepting as a complete application a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in NRS 278.349. It shall file its written decision with the governing body.

Sec. 11. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to [act finally,] *take final action,* shall, by a majority vote of the members present, approve, conditionally approve, or disapprove a tentative map filed pursuant to NRS 278.330 [within 30 days] *:*

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map [within 45 days] *:*

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to [act finally] *take final action* on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as flood plain, slope and soil;

(i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 to 278.348, inclusive; and

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

4. The governing body or planning commission shall, by a majority vote of the members present, make a final disposition of the tentative map. Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 12. NRS 278.350 is hereby amended to read as follows:

278.350 Unless a longer time is provided in an agreement entered into pursuant to NRS 278.0201:

1. The time limit for acting and reporting on a tentative or final map may be extended by mutual consent of the subdivider and the governing body or planning commission, as the case may be.

2. If no action is taken within the time limits set forth in NRS 278.010 to 278.630, inclusive, a tentative map as filed shall be deemed to be approved, and the clerk of the governing body, or the planning commission if it has been authorized to [act finally,] *take final action,* shall certify the map as approved.

3. The time limits set forth in NRS 278.010 to 278.630, inclusive, for tentative and final maps are suspended for a period, not to exceed 1 year, during which this state or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the processing of a tentative map or the development, processing or recordation of a final map.".

Amend sec. 7, page 6, by deleting lines 33 and 34 and inserting: "governing body [,] or , *the* planning commission [if it has been authorized to act finally, a] *or the director of planning or other authorized person or agency if authorized to take final action by the governing body, within 2 years after the approval of a tentative map:*".

Amend sec. 7, page 6, line 42, by deleting "[any] *a*" and inserting "any".

Amend sec. 7, page 7, line 4, by deleting "[any] *a*" and inserting "any".

Amend sec. 8, page 7, line 14, by deleting "Upon" and inserting "[Upon] *After*".

Amend sec. 8, page 7, line 17, by deleting "[10] *30*" and inserting "10".

Amend sec. 8, page 7, line 18, by deleting "*received* " and inserting: "*accepted as a complete application*".

Amend sec. 8, page 7, line 21, after "inclusive," by inserting: "*and section 1 of this act*".

Amend sec. 8, page 7, line 35, by deleting "*by*" and inserting "*be*".

Amend the bill as a whole by renumbering sections 10 through 12 as sections 26 through 28 and adding new sections designated sections 16 through 25, following sec. 9, to read as follows:

"Sec. 16. NRS 278.390 is hereby amended to read as follows:

278.390 Title to property dedicated or accepted for streets and easements passes when the final map is recorded. If at the time the final map is approved any streets are rejected, the offer of dedication shall be deemed to remain open and the governing body or planning commission may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use. Such an acceptance must be recorded in the office of the county recorder and be so noted by the recorder on the subdivision [plot,] *plat,* if the county recorder

does not maintain a cumulative index for such [plots] *plats* and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the *acceptance or* amendment.

Sec. 17. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission , it shall [, within 45 days after receiving] :

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to [act finally] *take final action* on a parcel map, the planning commission shall [, within 45 days after receiving] :

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. It shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to [act finally] *take final action* and it fails to take action within the [45 days after receiving the parcel map,] *period specified in this subsection,* the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to [act finally,] *take final action,* the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall [, within 45 days after the parcel map is submitted to] :

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 2 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the [45 days after the parcel map is submitted to the governing body,] *the period specified in this subsection,* the parcel map shall be deemed approved.

4. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor

appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon [within 45 days] *:*

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after the date of the request for the waiver, or , in the absence of action , the waiver shall be deemed approved.

5. An applicant *or other person* aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal to the governing body within [30 days.] *a reasonable period to be determined, by ordinance, by the governing body.* The governing body shall render its decision [within 45 days] *:*

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after the date the appeal is filed.

6. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chairman of the planning commission.

Sec. 18. NRS 278.468 is hereby amended to read as follows:

278.468 1. If a parcel map is approved *or deemed approved* pursuant to NRS 278.464, the preparer of the map shall:

(a) [Record] *Cause* the approved map *to be recorded* in the office of the county recorder within 1 year after the date the map met all conditions required for approval. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

(b) Pay a $17 fee to the county recorder for filing and indexing.

2. Upon receipt of a parcel map, the county recorder shall file the map in a suitable place. He shall keep proper indexes of parcel maps by the name of grant, tract, subdivision or United States subdivision.

Sec. 19. NRS 278.4713 is hereby amended to read as follows:

278.4713 1. Unless the filing of a tentative map is waived, [any] *a* person who proposes to make a division of land [shall first file] *pursuant to NRS 278.471 to 278.4725, inclusive, must first:*

(a) File a tentative map *for the area in which the land is located* with the planning commission [for the area in which the land is located,] , *or its designated representative* or with the clerk of the governing body if there is no planning commission *;* [,] and

(b) Pay a filing fee of no more than $250 set by the governing body.

2. This map must be:

(a) Entitled "Tentative Map of Division into Large Parcels"; and

(b) Prepared and certified by a professional land surveyor.

3. This map must show:

(a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

(b) Any roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

(c) Any easements for public utilities which exist or which are proposed.

(d) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

(e) An indication of any existing road or easement which the owner does not intend to dedicate.

(f) The name and address of the owner of the land.

Sec. 20. NRS 278.4715 is hereby amended to read as follows:

278.4715 1. The planning commission or, if there is no planning commission, the governing body *or its authorized representative* may waive the requirement of filing the tentative map.

2. If the tentative map is filed with the planning commission or *with the* governing body [,] *or its authorized representative,* the planning commission or *the* governing body *or its authorized representative* may within 60 days *after the filing of the tentative map* designate the location and width of any easements for roads and public utilities as shown on the master plan if there is one applicable to the area to be divided, or designate the location and width of any easements for roads and public utilities which may be reasonably necessary to serve the area to be divided if there is no master plan.

3. The planning commission or *the* governing body [has no right to designate any easements] *or its authorized representative shall not designate an easement* after the expiration of 60 days from the filing of the tentative map.

Sec. 21. NRS 278.472 is hereby amended to read as follows:

278.472 1. After the planning commission or *the* governing body *or its authorized representative* has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or [,] *its authorized representative or,* if authorized by [local ordinance,] *the governing body,* with the planning commission. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

2. This map must be:

(a) Entitled "Map of Division into Large Parcels."

(b) Filed with the governing body or *its authorized representative or, if authorized by the governing body, with the* planning commission not later than 1 year after the date that the tentative map was first filed with the planning commission or *the* governing body or *its authorized representative or* that the requirement of its filing was waived.

(c) Prepared by a professional land surveyor.

(d) Based upon an actual survey by the preparer and show the date of the survey and contain the certificate of the surveyor required pursuant to NRS 278.375.

(e) Clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink.

(f) Twenty-four by 32 inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

(g) Of scale large enough to show clearly all details.

3. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

4. This map must show and define:

(a) All subdivision lots by the number and actual acreage of each lot.

(b) Any roads or easements of access which exist and which the owner intends to offer for dedication, any roads or easements of access which are shown on the applicable master plan and any roads or easements of access which are specially required by the planning commission or *the* governing body [.] *or its authorized representative.*

(c) Any easements for public utilities which exist or are proposed.

(d) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

Sec. 22. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. Except as otherwise provided in this section, *if* the governing body [or] *has authorized the* planning commission *to take final action on a final map, the planning commission* shall approve, conditionally approve or disapprove the final map , basing its action upon the requirements of NRS 278.472 [, within 45 days after its filing. A decision made by the planning commission may be appealed to the governing body by any aggrieved person within 45 days after the action of the planning commission.] :

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days, after accepting the final map as a complete application. The planning commission shall file its written decision with the governing body. Except as otherwise provided in subsection 5, or unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

2. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or its authorized representative shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days, after the final map is accepted as a complete application. Except as otherwise provided in subsection 5 or unless the time is extended by mutual agreement, if the governing body or its authorized representative fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

3. An applicant or other person aggrieved by a decision of the authorized representative of the governing body or by a final act of the planning commission may appeal to the governing body within a reasonable period to be determined, by ordinance, by the governing body. The governing body shall render its decision:

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days, after the date on which the appeal is filed.

4. If the map is disapproved, the governing body or *its authorized representative or the* planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of the changes necessary to render the map acceptable. [Except as otherwise provided in subsection 2, if the governing body or planning commission neither approves nor disapproves the map within 45 days, the map shall be deemed approved unconditionally.

2.] *5.* If the final map divides the land into 16 lots or more, the governing body or *its authorized representative or the* planning commission shall not approve a map, and a map shall not be deemed approved, unless:

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

[3.] *6.* If the final map divides the land into 15 lots or less, the governing body *or its authorized representative or the planning commission* may, if

reasonably necessary, require the map to comply with the provisions of subsection [2.

4.] *5.*

7. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

[5.] *8.* The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by each owner of land to be divided consenting to the preparation of the map, the dedication of the roads and the granting of the easements.

(b) A certificate signed by the clerk of the governing body or *authorized representative of the governing body or* the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 *or 2* for action by the governing body or *its authorized representative or* the planning commission has expired and that the requirements of subsection [2] *5* have been met.

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

[6.] *9.* A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his consent to the division of land.

[7.] *10.* After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

[8.] *11.* The county recorder shall charge and collect for recording the map a fee of not more than $35 per page set by the board of county commissioners.

Sec. 23. NRS 278.473 is hereby amended to read as follows:

278.473 1. To correct an error or omission in [,] or to amend any recorded subdivision plat, record of survey, parcel map, map of division into large parcels [,] or reversionary map, if the correction or amendment does not change or purport to change the physical location of any survey monument, property line or boundary line, a certificate of amendment must be requested and recorded pursuant to this section.

2. A certificate of amendment may be requested by:

(a) The county surveyor to make a correction or amendment which affects land located within the boundaries of an unincorporated area or Carson City;

(b) The city surveyor or a professional land surveyor appointed by the governing body of the city to make a correction or amendment which affects land located within an incorporated city; [or]

(c) The planning commission if authorized by local ordinance [.] *; or*

(d) A professional land surveyor registered pursuant to chapter 625 of NRS.

3. If a certificate of amendment is requested to correct or amend a record of survey, the surveyor who:

(a) [Made the survey which is to be amended;] *Requests the certificate of amendment;* or

(b) Is responsible for [the] *an* error or omission which is to be corrected,

shall prepare and record the certificate of amendment within 90 days after he receives notification of the request made pursuant to subsection 2. If the surveyor is no longer professionally active, the county surveyor, city surveyor or a professional land surveyor appointed by the governing body shall prepare and file the certificate.

4. The certificate of amendment must:

(a) Be in the form of a letter addressed to the county surveyor, the city surveyor, a professional land surveyor appointed by the governing body of the city or, if authorized by local ordinance, the planning commission;

(b) Specify the title, legal description and recording date of the document being corrected or amended;

(c) Concisely state the data being changed and the correction or amendment;

(d) Be dated, signed and sealed by the surveyor preparing the certificate; and

(e) Contain the following statement, dated and signed by the county surveyor, city surveyor or a professional land surveyor appointed by the governing body:

I hereby certify that I have examined the certificate of amendment and that the changes to the original document specified therein are provided for in applicable sections of NRS 278.010 to 278.630, inclusive, 625.340 to 625.380, inclusive, and local ordinances adopted pursuant thereto, and I am satisfied that this certificate of amendment so amends or corrects the document as to make it technically correct.

5. Upon the recording of a certificate of amendment, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the original document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 24. NRS 278.475 is hereby amended to read as follows:

278.475 1. To correct an error or omission in *or to amend* any recorded subdivision plat, record of survey, parcel map, map of division into large parcels [,] or reversionary map, if the correction *or amendment* changes or purports to change the physical location of any survey monument, property line or boundary line, an amended plat, survey or map must be requested and recorded pursuant to this section.

2. An amended plat, survey or map [, which corrects an error or omission,] may be requested by:

(a) The county surveyor to make a correction *or amendment* which affects land located within the boundaries of an unincorporated area or Carson City;

(b) The city surveyor or a professional land surveyor appointed by the governing body of the city to make a correction *or amendment* which affects land located within an incorporated city; [or]

(c) The planning commission if authorized by local ordinance [.] *; or*

(d) A professional land surveyor registered pursuant to chapter 625 of NRS.

3. Except as otherwise provided in this subsection, a surveyor who [performed] *:*

(a) Performed the survey [is] *; or*

(b) Is responsible for [the] *an* error or omission which is to be corrected , [and]

shall prepare and record the amended plat, survey or map within 90 days after he receives notification of the request made pursuant to subsection 2. The time within which the surveyor must prepare and record the amended plat, survey or map may be extended by the county surveyor, *the city surveyor or a professional land surveyor appointed by* the governing body of the city or the planning commission. If the surveyor *who performed the survey or is responsible for the error or omission* is no longer professionally active, the county surveyor, city surveyor or a professional land surveyor

appointed by the governing body shall prepare and file the amended plat, survey or map.

Sec. 25. NRS 278.477 is hereby amended to read as follows:

278.477 1. In addition to the requirements of subsection 2, an amendment of a recorded subdivision plat, parcel map, map of division into large parcels [,] or record of survey which changes or purports to change the physical location of any survey monument, property line or boundary line is subject to the following requirements:

(a) If the proposed amendment is to a parcel map, map of division into large parcels [,] or record of survey, the same procedures and requirements apply as in the original filing.

(b) If the proposed amendment is to a subdivision plat, only those procedures for the approval and filing of a final map.

2. Any amended *subdivision* plat, *parcel* map , *map of division into large parcels* or *record of* survey required pursuant to subsection 1 must:

(a) Be identical in size and scale to the document being amended, drawn in the manner and on the material provided by law;

(b) Have the words "Amended Plat of " prominently displayed on each sheet above the title of the document amended;

(c) Have a blank margin for the county recorder's index information;

(d) Have a 3-inch square adjacent to and on the left side of the existing square for the county recorder's information and stamp; *and*

(e) [Contain or be accompanied by the report of a title company and the certificate required by NRS 278.374 or an order of the district court of the county in which the land is located that the amendment may be approved without all the necessary signatures if the order is based upon a finding that a bona fide effort was made to communicate with the necessary persons, that all persons who responded have consented thereto and that the amendment does not adversely affect the persons who did not respond;

(f)] Contain a certificate of the professional land surveyor registered pursuant to chapter 625 of NRS who prepared the amendment stating that it complies with all pertinent sections of NRS 278.010 to 278.630, inclusive, and 625.340 to 625.380, inclusive, and with any applicable local ordinance . [; and

(g) For a survey recorded in support of an adjusted boundary, contain a certificate executed by the appropriate county surveyor, county engineer, city surveyor or city engineer, if he is registered as a professional land surveyor or civil engineer pursuant to chapter 625 of NRS stating that he has examined the document and that it is technically correct.]

3. *Any amended subdivision plat, parcel map, map of division into large parcels or record of survey that is recorded in support of an adjusted boundary must:*

(a) Contain or be accompanied by the report of a title company and the certificate required by NRS 278.374 or an order of the district court of the county in which the land is located that the amendment may be approved without all the necessary signatures if the order is based upon a finding that:

(1) A bona fide effort was made to notify the necessary persons;

(2) All persons who responded to the notice have consented to the amendment; and

(3) The amendment does not adversely affect the persons who did not respond; and

(b) Contain a certificate executed by the appropriate county surveyor, county engineer, city surveyor or city engineer, if he is registered as a professional land surveyor or civil engineer pursuant to chapter 625 of NRS, stating that he has examined the document and that it is technically correct.

4. Upon recording the amended document, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.".

Amend sec. 10, page 8, line 2, by deleting "[any] *an*" and inserting "any".

Amend sec. 10, page 8, by deleting line 4 and inserting: "any street or easement owned by a city or county, or any portion".

Amend sec. 10, page 8, line 11, by deleting: "*procedural requirements of* " and inserting: "*requirements for notification of public hearing set forth in*".

Amend sec. 10, page 8, by deleting lines 14 and 15 and inserting:

"3. Whenever any street or easement owned by a city or a county is proposed to be vacated, the governing body, *or the planning commission or hearing examiner if authorized to take final action by the governing body,* shall".

Amend sec. 10, page 8, line 23, by deleting: "*or planning commission*" and inserting: "*, or the planning commission or hearing examiner if authorized to take final action by the governing body,*".

Amend sec. 10, page 8, line 25, by deleting: "*or planning commission*" and inserting: "*, or the planning commission or hearing examiner if authorized to take final action by the governing body,*".

Amend sec. 10, page 8, by deleting lines 27 through 32 and inserting: "fulfillment of the conditions prescribed. *An applicant or other person aggrieved by the decision of the planning commission or hearing examiner may appeal to the governing body within a reasonable period to be determined, by ordinance, by the governing body.*

5. If a utility has an easement over the property, the governing body , *or the planning commission or hearing examiner if authorized to take final*

action by the governing body, shall provide in its order for the continuation of that easement.".

Amend sec. 10, page 8, line 41, by deleting "city." and inserting: "city [.] *or county.*".

Amend sec. 10, page 9, line 1, by deleting "[any] *a*" and inserting "any".

Amend sec. 10, page 9, by deleting lines 17 through 21 and inserting:

"9. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body , *or the planning commission or hearing examiner if authorized to take final action by the governing body,* may reserve and except therefrom [any] *all* easements, rights or interests therein which the governing body , *or the planning commission or hearing examiner if authorized to take final action by the governing body,* deems desirable for the use of the city , *the county* or [of] any public utility.".

Amend sec. 11, page 9, line 26, by deleting: "[Any] *An* owner or *a*" and inserting: "Any owner or".

Amend sec. 11, page 9, line 27, by deleting "[any] *a*" and inserting "any".

Amend sec. 11, page 9, line 29, by deleting "*map,*" and inserting: "*map recorded under the same tentative map if the parcels to be reverted are contiguous,*".

Amend sec. 11, page 9, line 40, by deleting "[any] *a*" and inserting "any".

Amend sec. 11, page 9, line 44, by deleting "[any] *a*" and inserting "any".

Amend sec. 11, page 10, between lines 6 and 7 by inserting:

"*5. As used in this section, "contiguous" means either abutting directly on the boundary or separated by a street, alley, public right of way, creek, river or the right of way of a railroad or other public service corporation.*"

Amend sec. 12, page 10, line 13, by deleting: "[any] *a* street or *an*" and inserting: "any street or".

Amend the title of the bill to read as follows: "An Act relating to local governments and the division of land; revising various provisions relating to maps of subdivisions of land; authorizing professional land surveyors to request the correction or amendment of certain maps; revising the procedures governing the review of an application for the granting of a variance, special use permit or special exception in certain circumstances; allowing a local government to authorize a planning commission or certain persons to make decisions relating to certain matters of planning and zoning; providing a procedure for an appeal of such decisions; revising the provisions governing the acquisition, vacation or abandonment of certain real property by a local government; requiring that certain signs remain erected until the final disposition of certain applications; expanding the duties of a hearing examiner; revising the requirements relating to final maps and maps of reversion; revising the period during which certain decisions regarding a parcel map may be appealed; authorizing approval of the vacation or

abandonment of a street or easement in conjunction with approval of a tentative map; and providing other matter properly relating thereto.".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 469.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 699.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1, 1.3 and 1.7, following the enacting clause, to read as follows:

"Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. *1. The department shall establish and maintain a statewide automated system of information concerning pupils. The system must be designed to improve the ability of the department, school districts and the public schools in this state to account for the pupils who are enrolled in the public schools.*

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program for the collection, maintenance and transfer of data from the records of individual pupils to the statewide automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the department electronic data concerning pupils as required by the superintendent of public instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of section 1.7 of this act.

3. The superintendent of public instruction shall:

(a) Prescribe the data to be collected and reported to the department by each school district pursuant to subsection 2;

(b) Prescribe the format for the data;

(c) Prescribe the date by which each school district shall report the data;

(d) Provide technical assistance to each school district to ensure that the data from each school in the district is compatible with the statewide automated system of information and comparable to the data reported by other school districts; and

(e) Provide for the analysis and reporting of the data in the statewide automated system of information.

Sec. 1.7. *1. The department, the school districts and the public schools shall, in operating the statewide automated system of information established pursuant to section 1.3 of this act, comply with the provisions of:*

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. §1232g(b)(4)(A), each school district shall maintain within the statewide automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g.

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).".

Amend sec. 3, page 2, line 42, by deleting "1" and inserting "1.3".

Amend sec. 8, page 4, by deleting lines 1 and 2 and inserting:

"Sec. 8. This act becomes effective on July 1, 1997.".

Amend the title of the bill, fourth line, after "pupils;" by inserting: "requiring the department of education, school districts and public schools to comply with certain provisions of federal law governing the release of certain information concerning pupils;".

Amend the summary of the bill, second line, by deleting the period and inserting: "and requires department, school districts and public schools to comply with certain provisions of federal law.".

Assemblywoman Tiffany moved the adoption of the amendment.

Remarks by Assemblywoman Tiffany.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 537.

Bill read second time and ordered to third reading.

Assembly Bill No. 545.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 656.

Amend sec. 4, page 2, by deleting sec. 4 and inserting:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 5, page 3, by deleting lines 1 and 2 and inserting: "*laboratory of his choice that is certified by the Department of Health and Human Services.*".

Amend sec. 6, page 3, line 18, by deleting "*4 or* ".

Amend sec. 8, page 4, by deleting line 4 and inserting: "*the Department of Health and Human Services.*".

Amend sec. 8, page 4, by deleting line 22 and inserting: "*his choice certified by the Department of Health and Human Services.*".

Amend sec. 14, page 5, by deleting sec. 14 and inserting:

"Sec. 14. (Deleted by amendment.)".

Amend sec. 15, page 6, line 1, by deleting "*National* ".

Amend sec. 15, page 6, by deleting line 2 and inserting: "*Department of Health and Human Services.*".

Amend sec. 16, page 6, line 15, by deleting "*14 or*".

Amend sec. 18, page 6, by deleting line 41 and inserting: "*the Department of Health and Human Services.*".

Amend sec. 18, page 7, by deleting line 15 and inserting: "*his choice certified by the Department of Health and Human Services.*".

Amend sec. 22, page 8, line 43, after "3." by inserting: "*Any common motor carrier of passengers who operates or permits the operation of a vehicle in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.391 is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, he may cause the vehicle to be towed immediately from the scene.*

4.".

Amend sec. 22, page 9, line 1, by deleting "4." and inserting "[4.] *5.*".

Amend sec. 25, page 10, line 13, after "misdemeanor." by inserting: "*If a law enforcement officer witnesses a violation of this subsection, he may cause the vehicle to be towed immediately from the scene.*".

Amend sec. 27, line 24, page 10, by deleting: "October 1, 1997." and inserting: "the effective date of this act.".

Amend sec. 28, page 10, by deleting lines 25 through 28 and inserting:

"Sec. 28. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows: "An Act relating to motor carriers; requiring the testing of certain persons who work with taxicabs for the presence of alcohol and controlled substances; imposing certain duties with regard to such testing on taxicab motor carriers and certain certificate holders for the operation of a taxicab business; providing for the confidentiality of such testing; requiring the public service commission of Nevada and the taxicab authority to adopt regulations concerning such testing; authorizing a law enforcement officer under certain circumstances to tow certain vehicles being operated without a certificate of public convenience; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 557.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 698.

Amend the bill as a whole by deleting sections 1 through 4, renumbering sec. 5 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The board shall adopt:

(a) Licensing standards for child care facilities.

(b) *In consultation with the state fire marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:*

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. The board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the board finds that the practices and policies of a child care facility are substantially equivalent to those required by the board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

Sec. 2. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the bureau may enter and inspect any building or premises of a child care facility or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The state fire marshal or his designate [may enter] *shall, at least annually:*

(a) Enter and inspect [any] *every* building or premises of a child care facility, on behalf of the bureau [,] *; and*

(b) Observe and make recommendations regarding the drills conducted pursuant to section 1 of this act,

to secure compliance with standards for safety from fire [.] *and other emergencies.*

3. The state health officer or his designate shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the bureau, to secure compliance with standards for health and sanitation.".

Amend sec. 5, page 2, by deleting lines 19 through 21 and inserting:

"Sec. 3. 1. This section and section 1 of this act become effective on July 1, 1997, to facilitate the adoption of the prescribed regulations.

2. Section 2 of this act becomes effective on October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to child care facilities; requiring the board for child care to adopt certain requirements regarding preparedness for emergencies at such facilities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Requires board for child care to adopt certain requirements regarding preparedness for emergencies at child care facilities. (BDR 38-1156)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 568.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 724.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "transportation along:

(a) The corridors of Charleston Boulevard and Sahara Avenue; and

(b) Any other corridors within Clark County that the Regional Transportation Commission deems suitable for the location of such a system.".

Amend the title of the bill, third line, by deleting: "a certain part" and inserting "certain parts".

Amend the summary of the bill, third line, by deleting "part" and inserting "parts".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 72.

Bill read second time and ordered to third reading.

Senate Bill No. 115.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 690.

Amend section 1, page 2, by deleting line 1 and inserting:

"*3. Alcohol and drug abuse programs that are primarily directed toward the prevention of such abuse.*".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 158.

Bill read second time and ordered to third reading.

Senate Bill No. 170.

Bill read second time and ordered to third reading.

Senate Bill No. 171.
Bill read second time and ordered to third reading.

Senate Bill No. 205.
Bill read second time and ordered to third reading.
Senate Bill No. 217.
Bill read second time and ordered to third reading.

Senate Bill No. 228.
Bill read second time and ordered to third reading.

Senate Bill No. 296.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 730.
Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.
Amend sec. 2, page 2, by deleting lines 31 through 34 and inserting:
"*3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:*
(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or
(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.
A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.".
Amend sec. 3, page 3, by deleting lines 28 through 31 and inserting:
"*5. A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:*
(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or
(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.
A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.".

Amend the bill as a whole by adding new sections designated sections 3 through 5, following sec. 3, to read as follows:

"Sec. 3. NRS 244.363 is hereby amended to read as follows:

244.363 [The] *Except as otherwise provided in subsection 3 of NRS 40.140 and subsection 5 of NRS 202.450, the* boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the county.

Sec. 4. NRS 266.335 is hereby amended to read as follows:

266.335 The city council may:

1. [Determine] *Except as otherwise provided in subsection 3 of NRS 40.140 and subsection 5 of NRS 202.450, determine* by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of such nuisances at the expense of the person creating, causing or committing such nuisances.

3. Provide that such expense of removal [shall be] *is* a lien upon the property upon which the nuisance is located. Such lien [shall:] *must:*

(a) Be perfected by filing with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for such nuisances.

Sec. 5. NRS 268.412 is hereby amended to read as follows:

268.412 [The] *Except as otherwise provided in subsection 3 of NRS 40.140 and subsection 5 of NRS 202.450, the* city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.".

Amend the title of the bill by deleting the second and third lines and inserting: "nuisance in certain circumstances; and providing".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 320.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 18.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman de Braga moved that Assembly Bill No. 537 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 546 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblywoman Chowning.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 546.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 707.

Amend sec. 3, pages 2 and 3, by deleting lines 20 through 43 on page 2 and lines 1 through 12 on page 3 and inserting:

"482.363 1. [Any person, other than an owner of a vehicle who leases it to a carrier and operates the vehicle pursuant to that lease, or a new or used vehicle dealer, licensed under the provisions of NRS 482.325,] *Except as otherwise provided in subsection 6, a person* who engages in the leasing of vehicles in this state as a long-term or short-term lessor [,] shall:

(a) Secure a license from the department to conduct the leasing business;

(b) Post a bond;

(c) Furnish the department with any other information as may be required;

(d) Comply with the terms and conditions of this chapter which apply to vehicle dealers; and

(e) Pay a *license* fee of $125.

2. *Except as otherwise provided in subsection 6, a short-term lessor shall, in addition to the license fee specified in subsection 1, pay a fee of $125 for each branch to be operated pursuant to the license.*

3. Any person employed by a long-term lessor licensed under the provisions of subsection 1 who engages in the practice of arranging or selling such services, and any person employed by a short-term lessor who sells, offers or displays for sale or exchange vehicles which are owned by such

short-term lessor shall, before commencing operations, and annually thereafter:

(a) Secure from the department a license to act as a salesman of such services; and

(b) Comply with the terms and conditions which apply to salesmen of vehicles as specified in NRS 482.362.

[3.] *4.* Licenses issued pursuant to subsection 1 expire on December 31 of each year. Before December 31 of each year, licensees shall furnish the department with an application for renewal of the license accompanied by an annual *renewal* fee of $50. *Except as otherwise provided in subsection 6, a short-term lessor shall, in addition to the annual renewal fee, pay an annual fee of $50 for each branch to be operated pursuant to the license.* The renewal application must be provided by the department and must contain information required by the department.

[4.] *5.* The provisions of NRS 482.352, relating to the denial, revocation or suspension of licenses, apply to licenses issued pursuant to the provisions of subsection 1. The provisions of NRS 482.362, relating to the denial, revocation, suspension and transfer of vehicle salesmen's licenses, apply to licenses issued pursuant to the provisions of subsection [2.

5.] *3.*

6. The provisions of subsections 1, 2 and 4 which relate to the licensing of lessors of vehicles do not apply to:

(a) An owner of a vehicle who leases it to a carrier and operates the vehicle pursuant to that lease; or

(b) A new or used vehicle dealer licensed pursuant to the provisions of NRS 482.325 who engages in the leasing of vehicles in this state as a long-term lessor.

7. As used in this section, "carrier" has the meaning ascribed to it in section 3 of [this act.] *Assembly Bill No. 133 of this session.*".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 12.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 667.

Amend section 1, page 1, line 17, by deleting "*2,*" and inserting: "*2 for at least 2 years,*".

Amend section 1, page 1, after line 19 by inserting:

"*4. If a person returns to this state but does not practice in a medically underserved area of this state pursuant to subsection 2 for at least 2 years, the three commissioners from the State of Nevada, acting jointly, shall assess a default charge in an amount not less than three times the portion of the support fee designated as the loan of the person, plus interest.*".

Amend section 1, page 2, line 1, by deleting "*4.*" and inserting "*5.*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 577.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 577:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Assembly Bill No. 577 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 587.

Bill read third time.

Remarks by Assemblymen Arberry and Hettrick.

Roll call on Assembly Bill No. 587:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Assembly Bill No. 587 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 600.

Bill read third time.

Remarks by Assemblymen Freeman and Evans.

Roll call on Assembly Bill No. 600:
YEAS — 41.
NAYS — None.
Excused — Krenzer.
Assembly Bill No. 600 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 118.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Humke.
Potential conflict of interest declared by Assemblyman Humke.
Roll call on Assembly Bill No. 118:
YEAS — 39.
NAYS — Hickey.
Not voting — Humke.
Excused — Krenzer.
Assembly Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 170.
Bill read third time.
Remarks by Assemblywoman Ohrenschall.
Roll call on Assembly Bill No. 170:
YEAS — 41.
NAYS — None.
Excused — Krenzer.
Assembly Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 220.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 220:
YEAS — 41.
NAYS — None.
Excused — Krenzer.
Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 375.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 375:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Assembly Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 595.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 595:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Assembly Bill No. 595 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 497.

Bill read third time.

The following amendment was proposed by Assemblyman Carpenter:

Amendment No. 740.

Amend the bill as a whole by deleting section 1, renumbering sections 2 and 3 as sections 5 and 6 and adding new sections designated sections 1 through 4, following the enacting clause to read as follows:

"Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the provisions of NRS 202.265, it is unlawful for a pupil to possess or carry a dangerous knife while on the property of a private or public school or while in a vehicle of a private or public school, unless the pupil has written permission from the principal of the school to carry or possess the knife.

2. A person who violates the provisions of this section is guilty of a gross misdemeanor.

3. As used in this section, "dangerous knife" means a knife having a blade that is fixed or may be locked and which is 2 1/2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle. The term includes, without limitation, a butterfly knife.

Sec. 2. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school, sells or distributes any controlled substance or is found in possession of a dangerous weapon, while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, he must be permanently expelled from that school, but he may be required to attend another kind of school.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, he must be permanently expelled from the school, but he may be required to attend another kind of school. The superintendent of schools of a school district may, in a particular case in that school district, allow an exception to the expulsion requirement of this subsection.

3. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

4. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

5. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.).

6. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slung shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife , *a dangerous knife as defined in section 1 of this act* or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

Sec. 3. NRS 393.410 is hereby amended to read as follows:

393.410 1. It is unlawful for any person:

(a) Willfully and maliciously to injure, mark or deface any public schoolhouse, its fixtures, books or appurtenances;

(b) To commit any nuisance in any public schoolhouse;

(c) To loiter on or near the school grounds; or

(d) Purposely and maliciously to commit any trespass upon the grounds attached to a public schoolhouse, or any fixtures placed thereon, or any enclosure or sidewalk about the same.

2. Except as otherwise provided in subsection 3, any person violating any of the provisions of this section shall be guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed and in no event less than a misdemeanor.

3. Any person who is in possession of a dangerous weapon during his commission of a violation of paragraph (b), (c) or (d) of subsection 1 shall be guilty of a gross misdemeanor.

4. As used in this section:

(a) "Dangerous knife" means a knife having a blade that is [2] *fixed or may be locked and which is 2 1/2* inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle. *The term includes, without limitation, a butterfly knife.*

(b) "Dangerous weapon" means:

(1) An explosive or incendiary device;

(2) A dirk, dagger, switchblade knife or dangerous knife;

(3) A nunchaku or trefoil;

(4) A blackjack or billy club or metal knuckles; or

(5) A pistol, revolver or other firearm.

(c) "Explosive or incendiary device" has the meaning ascribed to it in NRS 202.260.

(d) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(e) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

(f) "Trefoil" has the meaning ascribed to it in NRS 202.350.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the provisions of NRS 202.265, it is unlawful for a student to possess or carry a dangerous knife while on the property of the University and Community College System of Nevada, unless the student has written permission from the president of a branch or facility of the System.

2. A person who violates the provisions of this section is guilty of a gross misdemeanor.

3. As used in this section, "dangerous knife" means a knife having a blade that is fixed or may be locked and which is 2 1/2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle. The term includes, without limitation, a butterfly knife.".

Amend the title of the bill, first line, by deleting "a person" and inserting "certain persons".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblymen Carpenter, Bache, Collins, Herrera, Anderson, Buckley, Chowning and Price.

Assemblymen Hickey, Giunchigliani and Hettrick moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 740 to Assembly Bill No. 497.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 192.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Senate Bill No. 192:

YEAS — 41.

NAYS — None.

Excused — Krenzer.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Senate Bill No. 244:

YEAS — 40.

NAYS — Evans.

Excused — Krenzer.

Senate Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 351.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Senate Bill No. 351:

YEAS — 33.

NAYS — de Braga, Dini, Giunchigliani, Gustavson, Neighbors, Williams — 6.

Not voting — Lee, Marvel — 2.

Excused — Krenzer.

Senate Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 128, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of 3 members, for the further consideration of the measure.

JOHN C. CARPENTER	JON C. PORTER
CLARENCE W. COLLINS	MIKE MCGINNESS
RICHARD PERKINS	DINA TITUS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Carpenter moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 128.

Remarks by Assemblyman Carpenter.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Herrera and Berman as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 128.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 125, 128, 427; Senate Bill No. 27.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Goedhart and Scott Kamper.

Assemblyman Perkins moved that the Assembly adjourn until Monday, June 23, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 1:08 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-FIFTH DAY

CARSON CITY (Monday), June 23, 1997

Assembly called to order at 11:19 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Well, God here we are--still. I don't know whether we're winding things up or winding things down, but we're tired and we're trying. Help us to not feel the pressure to leave so much that we rush through business and make mistakes. We ask for wisdom, peace, and compassion for the task at hand. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bill No. 578; Senate Bill No. 248, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 608, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Infrastructure, to which was referred Assembly Bill No. 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Concurrent Committee on Infrastructure.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 83, 248, 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 589, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 21, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 54, 97, 148, 176, 315, 360, 386, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 365, 412.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 46.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 128 and requests a second conference, and appointed Senators Jacobsen, Washington and Wiener as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 128.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 14—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Mark Trabert is elected as an additional attaché of the Assembly for the 69th session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 43—Encouraging certain nonprofit organizations and governmental agencies to establish programs to protect children from sexual molestation.

Assemblyman Nolan moved the adoption of the resolution.

Remarks by Assemblymen Nolan, Perkins, Anderson, Humke, Carpenter, Chowning and Ohrenschall.

Resolution adopted.

Senate Concurrent Resolution No. 46.

Assemblyman Perkins moved that the resolution be referred to the Concurrent Committees on Elections, Procedures, and Ethics and Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 634—An Act relating to historical markers; requiring the owner of private property to maintain a historical marker provided by a nonprofit organization; requiring disclosure of the existence of the historical marker and the duty to maintain it to a purchaser of the private property; making the requirement retroactive and requiring replacement or return of certain historical markers which have been removed; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 635—An Act making an appropriation to the Clark County School District for the establishment of a full-service school center; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 636—An Act making an appropriation to Clark and Washoe counties for support of the amateur athletics and recreational programs in those counties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 637—An Act making an appropriation to the Department of Education for support of the "We the People...Project Citizen" program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 638—An Act relating to the redevelopment of property; revising provisions for community redevelopment; repealing certain provisions for urban renewal; restricting the exercise of the power of eminent domain; extending the protection of tenants in relocation; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 365.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 412.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 12, 298, 330, 469, 497, 545, 546, 557, 568; Senate Bills Nos. 115, 296 be placed on the General File.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 494 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 568.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 206.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 770.

Amend the bill as a whole by deleting sections 1 through 7 and inserting new sections designated sections 1 through 16, following the enacting clause, to read as follows:

"Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Chemical compound" means levonorgestrel or another compound that is pharmacologically similar to levonorgestrel and has the same or similar physiological effects as levonorgestrel.*

Sec. 4. *"Program" means the program established by the director pursuant to sections 2 to 14, inclusive, of this act that allows a sex offender, with the approval of the director or his designee, to participate voluntarily in treatment with a chemical compound.*

Sec. 5. *"Sex offender" means an offender who is convicted of a sexual offense and who is not sentenced to death or a term of imprisonment of life without the possibility of parole.*

Sec. 6. *"Sexual offense" means:*

1. A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;

2. An attempt to commit an offense listed in subsection 1; or

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

Sec. 7. *"Treatment with a chemical compound" means treatment that uses an implant or another similar delivery system to administer a chemical compound at steady serum blood levels over an extended period.*

Sec. 8. *1. The director shall establish a program that allows a sex offender, with the approval of the director or his designee, to participate voluntarily in treatment with a chemical compound.*

2. Except as otherwise provided in this subsection, the program must include at least 15 but not more than 25 sex offenders at any one time. If less than 15 sex offenders are available for the program at any one time, the

director shall continue the program with less than 15 sex offenders until additional sex offenders are available for the program.

Sec. 9. *1. The director shall adopt regulations governing the operation of the program. The regulations must include, but are not limited to, the procedures set forth in this section.*

2. The director or his designee shall ensure that a psychological profile is developed to identify those sex offenders who are most likely to benefit from treatment with a chemical compound. The department shall recruit volunteers for the program based upon the psychological profile.

3. Before a sex offender may participate in the program:

(a) The department shall inform the sex offender of the nature of the program and the intended effects and typical adverse effects associated with the chemical compound;

(b) The sex offender must give his informed consent; and

(c) The director or his designee must approve the participation of the sex offender in the program.

4. To the extent that the date of eligibility for parole may be reasonably determined, a sex offender must not be allowed to participate in the program earlier than 15 months before the date the sex offender will be eligible for release on parole.

5. Except as otherwise provided in subsection 6, the program must be carried out in two phases for each sex offender who participates in the program. The first phase of the program must include, but is not limited to:

(a) Regular physiological examinations to determine whether treatment with a chemical compound is reducing the level of testosterone in the blood of the sex offender to 200 nanograms or less of testosterone per deciliter of blood; and

(b) Regular psychological evaluations to determine whether the propensity of the sex offender for violence or deviant sexual behavior is being affected by treatment with a chemical compound.

6. If the director or his designee determines that the first phase of the program has been beneficial to the sex offender, the sex offender must be allowed to participate in the second phase of the program. The second phase of the program must include, but is not limited to:

(a) An evaluation of whether treatment with a chemical compound is effective over an extended period, including, but not limited to, an evaluation of whether treatment with a chemical compound reduces recidivism and the propensity of the sex offender for violence or deviant sexual behavior; and

(b) An assessment of the side effects of treatment with a chemical compound over an extended period, including, but not limited to, an assessment of any side effects that were previously unknown.

7. To the extent practicable, the first and second phases of the program must include psychological counseling in addition to treatment with a chemical compound.

Sec. 10. *1. If a sex offender is allowed to participate in the program, the sex offender must be allowed, in addition to the credits provided pursuant to NRS 209.432 to 209.451, inclusive, a deduction of not more than 10 days from the maximum term of his sentence for each period of 4 months during which the sex offender participates in the program.*

2. A sex offender is entitled to the deduction authorized pursuant to subsection 1 while the sex offender is on parole if the sex offender:

(a) Is released on parole for a term of less than life;

(b) Participates in the program while on parole; and

(c) Has no serious infraction of the laws of this state or the terms and conditions of his parole, as determined by the director.

3. The chief parole and probation officer or other person responsible for the supervision of the sex offender shall report to the director the failure of the sex offender to satisfy any terms or conditions of his parole.

Sec. 11. *1. The director or his designee may impose conditions on participation by a sex offender in the program.*

2. The director or his designee may terminate participation by a sex offender in the program for any lawful reason or purpose.

3. The provisions of sections 2 to 14, inclusive, of this act do not create a right on behalf of a sex offender to participate in the program and do not establish a basis for any cause of action against the state or its officers or employees for denial of the ability to participate in or for removal from the program.

Sec. 12. *The director shall establish a system to study the effects of the program. The study must include, but is not limited to, the information that is obtained from the first and second phases of the program pursuant to section 9 of this act. The director shall report the findings from the study to the legislature at the beginning of each regular session.*

Sec. 13. *1. The director, his designee or a person authorized by the director or his designee may apply for and accept grants or gifts to finance the program.*

2. Money that is received through a grant or gift pursuant to subsection 1 must be deposited with the state treasurer for credit to the state general fund to reimburse any appropriations made from the state general fund to finance the program.

Sec. 14. *This state and its agencies and political subdivisions and the officers, employees and independent contractors of this state and its agencies and political subdivisions are immune from liability for damages arising from:*

1. The administration or use of a chemical compound pursuant to sections 2 to 14, inclusive, of this act; and

2. An act or omission related to the administration or use of a chemical compound pursuant to sections 2 to 14, inclusive, of this act.

Sec. 15. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

If the board releases on parole a prisoner who is participating in the program established pursuant to sections 2 to 14, inclusive, of this act, the board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

1. Submit to a program of intensive supervision pursuant to NRS 213.124; and

2. Continue to participate in the program, unless the director of the department of prisons or his designee terminates participation by the parolee in the program.

Sec. 16. The provisions of this act expire by limitation on October 1, 2001.".

Amend the title of the bill to read as follows: "An Act relating to sex offenders; providing for a program to allow certain sex offenders to participate voluntarily in treatment with a chemical compound; requiring the director of the department of prisons to adopt certain regulations concerning the program; providing for a study and a report to the legislature concerning the program; requiring certain conditions of parole for sex offenders who are released while participating in the program; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Provides for program to allow certain sex offenders to participate voluntarily in treatment with chemical compounds. (BDR 16-718)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Evans.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 206 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 774.

Amend section 1, page 1, by deleting lines 9 and 10 and inserting: "to these reports;".

Amend section 1, page 2, line 1, after "5." by inserting: "*Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide protective services enter into agreements to provide services to children and families;*

6.".

Amend section 1, page 2, line 3, by deleting "6." and inserting "[6.] *7.*".

Amend section 1, page 2, line 4, by deleting "7." and inserting "[7.] *8.*".

Amend section 1, page 2, line 5, by deleting "8." and inserting "[8.] *9.*".

Amend section 1, page 2, line 7, by deleting "9." and inserting "[9.] *10.*".

Amend section 1, page 2, line 9, by deleting "10." and inserting "[10.] *11.*".

Amend section 1, page 2, line 14, by deleting "11." and inserting "[11.] *12.*".

Amend sec. 2, page 2, by deleting lines 20 through 25 and inserting: "authority, if any . [, and, within 3 working days, initiate an investigation.] A law enforcement".

Amend sec. 2, page 2, line 28, after "2." by inserting: "*Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides protective services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:*

(a) The child is 5 years of age or younger;

(b) There is a high risk of serious harm to the child; or

(c) The child is dead, is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides protective services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

(a) The child is not in imminent danger of harm;

(b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens his immediate health or safety; or

(c) The alleged abuse or neglect could be eliminated if the child and his family receive or participate in social or health services offered in the community, or both.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person that has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person that has entered into a written agreement with the agency to make such an assessment.

6. If an agency which provides protective services enters into an agreement with a person to provide services to a child or his family pursuant to subsection 5, the agency shall require the person to notify the agency if the child or his family refuse or fail to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

7. An agency which provides protective services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

8.".

Amend sec. 2, page 2, line 29, by deleting "*evaluation and*".

Amend sec. 3, page 2, by deleting line 32 and inserting:

"432B.290 1. [Data] *Except as otherwise provided in subsection 2, data* or information concerning reports and investigations".

Amend sec. 3, pages 3 and 4, by deleting lines 41 through 43 on page 3 and lines 1 through 8 on page 4 and inserting: "2.] *; or*".

Amend sec. 3, page 4, line 9, by deleting "*(r)*"and inserting "*(q)*".

Amend sec. 3, page 4, line 12, after "*2.*" by inserting: "*Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of the report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:*

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

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

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

3.".

Amend sec. 3, page 4, by deleting line 13 and inserting: "*or information pursuant to subsection 2 if the agency*".

Amend sec. 3, page 4, by deleting line 17 and inserting: "*4. Upon petition, a*".

Amend sec. 3, page 4, by deleting lines 19 and 20 and inserting: "*information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional* ".

Amend sec. 3, page 4, line 22, by deleting "*4.*" and inserting "*5.*".

Amend sec. 3, page 4, line 24, by deleting "1," and inserting:

"1 [,] *or 2,*".

Amend sec. 3, page 4, line 26, by deleting "*5.*" and inserting "*6.*".

Amend sec. 4, page 4, line 29, by deleting "*432B.320,*" and inserting "*432B.260,*".

Amend the bill as a whole by deleting sec. 5, renumbering sec. 6 as sec. 5 and adding a new section designated sec. 6 following sec. 6 to read as follows:

"Sec. 6. The division of child and family services of the department of human resources shall submit a report to the director of the legislative counsel bureau on or before March 1 of each odd-numbered year for distribution to each regular session of the legislature. The report must include, without limitation, the progress of the manner in which reports concerning the possible abuse or neglect of a child are investigated, evaluated and resolved by agencies which provide protective services.".

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and adding a new section designated sec. 9., following sec. 8, to read as follows:

"Sec. 9. The amendatory provisions of this act expire by limitation on June 30, 2001.".

Amend the title of the bill to read as follows: "An Act relating to children; revising provisions governing the protection of children from abuse or neglect; requiring an immediate investigation of a report of abuse or neglect under certain circumstances; authorizing the release of information concerning such a report or an investigation to certain persons; prohibiting such persons from making public any such information obtained; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 449.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 657.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 63 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. NRS 482.206 is hereby amended to read as follows:

482.206 1. Except as otherwise provided in this section, every vehicle, except one which is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, or which is a motor vehicle with a declared gross weight in excess of 26,000 pounds, must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this state.

2. Every vehicle registered by an agent of the department or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this state.

3. Upon the application of the owner of a fleet of vehicles, the director may permit him to register his fleet on the basis of a calendar year.

4. When the registration of any vehicle is transferred pursuant to the provisions of NRS 482.3667, 482.379 or 482.399, the expiration date of a regular license plate , [or plates,] collegiate license plate , [or plates,] commemorative license plate , [or plates,] special license plate [or plates] or substitute decal must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:

(a) The first day of the month after the transfer, if the vehicle is transferred by an agent of the department; or

(b) The day after the transfer in all other cases,

and a credit on the portion of the fee for registration and privilege tax attributable to the remainder of the current period of registration allowed according to the applicable provisions of NRS 482.3667, 482.379 and 482.399.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications he receives to the department within the period prescribed by the department;

(b) Transmit the fees he collects from the applicants and properly account for them within the period prescribed by the department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to obtain *a* special license [plates] *plate* pursuant to NRS 482.3667 to 482.3825, inclusive, and section 1 of [this act,] *Assembly Bill No. 32 of this session,* or to claim the exemption from the vehicle privilege tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the department.

Sec. 3. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) Collect the privilege tax on the vehicle, as agent for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Issue a certificate of registration.

(e) If the registration is performed by the department, issue [the] *a* regular license plate . [or plates.]

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which [the] *a* regular license plate [or plates] will be made available to him.

2. Upon proof of ownership satisfactory to the director, he shall cause to be issued a certificate of ownership as provided in this chapter.

3. Every vehicle being registered for the first time in Nevada must be taxed for the purposes of the privilege tax for a 12-month period.

4. The department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the department of taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the department.

Sec. 4. NRS 482.265 is hereby amended to read as follows:

482.265 1. The department shall furnish *one license plate* to every owner whose vehicle [shall] *must* be registered . [two license plates for a motor vehicle other than a motorcycle or power cycle, and one license plate for all other vehicles required to be registered hereunder.] Upon renewal of registration, the department may issue one [or more license plate stickers, tabs or other suitable devices in lieu of new license plates.] *license plate sticker, tab or other suitable device in lieu of a new license plate.*

2. The director [shall have the authority to] *may* require the return to the department of all number plates upon termination of the lawful use thereof by the owner [under] *pursuant to* this chapter.

Sec. 5. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in NRS 482.3747, 482.3775, [482.379] *482.3791* to 482.3794, inclusive, section 1 of Senate Bill No. 9 of this session and section 1 of [this act,] *Assembly Bill No. 32 of this session,* or 482.384, the director shall order the preparation of motor vehicle license plates with no other colors than blue and silver. The director may substitute white in place of silver when no suitable material is available.

2. The director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

3. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of the state, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

4. The letters I and Q must not be used in the designation.

5. [Except as otherwise provided in NRS 482.379, all] *All* letters and numbers must be of the same size.

Sec. 6. NRS 482.2715 is hereby amended to read as follows:

482.2715 1. Unless the vehicle license plate is:

(a) A special plate which the registrant is no longer eligible to display; or

(b) A personalized plate, the code of which denotes that the registrant holds a public office which he no longer holds,

if a certificate of registration and vehicle license plate with a particular code are continuously renewed, the registrant is entitled to maintain that code as long as he desires to do so.

2. When any certificate of registration and vehicle license plate expires and remains expired for a continuous period longer than 18 months, the department may issue, without notice to the previous registrant, *a* replacement [plates which bear the same codes.] *plate which bears the same code.* An applicant for [such replacement plates] *a replacement plate* must pay the usual registration fees and an application fee of $25.

Sec. 7. NRS 482.2717 is hereby amended to read as follows:

482.2717 The department shall provide suitable plates for automobile wreckers and operators of salvage pools upon payment of a fee of $12 for each [set of plates.] *plate.* The department shall not issue more than three [sets of] plates to a licensee. [Such] *The* plates authorize the movement of vehicles in accordance with NRS 487.090 and 487.460.

Sec. 8. NRS 482.275 is hereby amended to read as follows:

482.275 1. The license [plates] *plate issued* for a motor vehicle [other than a motorcycle, power cycle or motor vehicle being transported by a licensed vehicle transporter must be attached thereto, one in the front and the other in the rear. The license plate issued for all other vehicles] required to be registered must be attached to the rear of the vehicle. The license [plates] *plate* must be so displayed during the current calendar year or registration period.

2. Every license plate must at all times be securely fastened to the vehicle to which it is assigned so as to prevent the *license* plate from swinging and at a height not less than 12 inches from the ground, measuring from the bottom of [such] *the license* plate, in a place and position to be clearly visible, and must be maintained free from foreign materials and in a condition to be clearly legible.

3. Any license plate which is issued to a vehicle transporter or a dealer, rebuilder or manufacturer may be attached to a vehicle owned or controlled by that person by a secure means. No license plate may be displayed loosely in the window or by any other unsecured method in any motor vehicle.

Sec. 9. NRS 482.280 is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the

vehicle expires at midnight on the next judicial day. The department shall mail to each holder of a certificate of registration an application for renewal of registration for the following period of registration. The applications must be mailed by the department in sufficient time to allow all applicants to mail the applications to the department and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present the application to any agent or office of the department.

2. An application mailed or presented to the department or to a county assessor pursuant to the provisions of this section, or presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281 must include, if required, evidence of compliance with standards for control of emissions.

3. The department shall insert in each application mailed pursuant to subsection 1:

(a) The amount of privilege tax to be collected for the county pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the department by a local authority pursuant to NRS 484.444.

(c) A statement which informs the applicant that, pursuant to NRS 485.185, he is legally required to maintain insurance during the period in which the motor vehicle is registered.

4. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate [or plates] or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways [upon displaying thereon] *if he complies with the provisions of NRS 482.275 regarding the display of* the license plate [or plates] issued for the preceding period of registration for such a time as may be prescribed by the department as it may find necessary for the issuance of the new *license* plate [or plates] or card of registration.

Sec. 10. NRS 482.285 is hereby amended to read as follows:

482.285 1. If any certificate of registration or certificate of ownership is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the department and upon payment of the required fees.

2. If any license plate or [plates or any] decal is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon:

(a) Furnishing information satisfactory to the department; and

(b) Payment of the fees required by NRS 482.500.

3. The department shall issue *a* duplicate or substitute [plates] *plate* if the applicant:

(a) Returns the mutilated or illegible [plates] *plate* to the department or certifies under oath that the [plates were] *plate was* lost or stolen; and

(b) Makes application for renewal of registration. Credit must be allowed for the portion of the registration fee and privilege tax attributable to the remainder of the current registration period.

Sec. 11. NRS 482.320 is hereby amended to read as follows:

482.320 1. A manufacturer, distributor, dealer or rebuilder who has an established place of business in this state, or a manufacturer who has executed a franchise with a dealer or distributor who has an established place of business in this state, and who owns or controls any new or used vehicle of a type otherwise required to be registered [under] *pursuant to* the provisions of this chapter, may operate that vehicle or allow it to be operated for purposes of display, demonstration, maintenance, sale or exchange if there is displayed thereon a special plate [or plates] issued to the manufacturer, distributor, dealer or rebuilder as provided in NRS 482.275 and 482.330. Such a vehicle may also be moved or operated [for the purpose of towing] *to tow* other vehicles which [are to] *will* be sold or exchanged, or stored for the purpose of sale or exchange. Owners or officers of the corporation, heads of departments and salesmen may operate a vehicle displaying such [plates.] *a plate.*

2. The provisions of this section do not apply to:

(a) Work or service vehicles owned or controlled by a manufacturer, distributor, dealer or rebuilder.

(b) Vehicles leased by dealers, except vehicles rented or leased to vehicle salesmen in the course of their employment.

(c) Vehicles which are privately owned by the owners, officers or employees of the manufacturer, distributor, dealer or rebuilder.

(d) Vehicles which are being used for personal reasons by a person who is not licensed by the department or otherwise exempted in subsection 1.

(e) Vehicles which have been given or assigned to persons who work for a manufacturer, distributor, dealer or rebuilder for services performed.

Sec. 12. NRS 482.330 is hereby amended to read as follows:

482.330 1. Upon issuance of a dealer's, distributor's, manufacturer's or rebuilder's license certificate pursuant to NRS 482.322, the department shall furnish to the manufacturer, distributor, dealer or rebuilder one or more registration certificates and special plates for use on vehicles which come within the provisions of NRS 482.320. Each plate must have displayed upon it the identification number which is assigned to the dealer, distributor, manufacturer or rebuilder, and may at the discretion of the department have a different letter or symbol on each plate . [or pair of plates.] The

manufacturer's, distributor's, dealer's or rebuilder's license plates may be used interchangeably on that vehicle.

2. The department shall issue to each dealer a reasonable number of registration certificates and license plates.

3. The department may provide , by regulation , for the issuance to dealers or rebuilders of special license plates and for the number of those plates for use on vehicles loaned by those dealers or rebuilders to customers in the course of business. The regulations, if adopted, must provide what use may be made of the plates.

Sec. 13. NRS 482.335 is hereby amended to read as follows:

482.335 1. No manufacturer, distributor, dealer or rebuilder may operate any vehicle owned or controlled by him upon any public highway, or permit it to be so operated, unless *the* license [plates] *plate* assigned to him [are] *is* attached thereto in the manner specified in this chapter.

2. It [shall be] *is* lawful for a manufacturer, distributor or dealer to operate new vehicles without the plates being attached thereto from the railroad depot, warehouse or other place of storage to the place of business of that manufacturer, distributor or dealer where the depot, warehouse or place of storage is within the same city or town or not more than 5 miles from the place of business.

Sec. 14. NRS 482.3667 is hereby amended to read as follows:

482.3667 1. The department shall establish, design and otherwise prepare for issue personalized prestige license plates and shall establish all necessary procedures not inconsistent with this section for the application and issuance of [such] *those* license plates.

2. The department shall issue *a* personalized prestige license [plates,] *plate,* upon payment of the prescribed fee, to any person who otherwise complies with the laws relating to the registration and licensing of motor vehicles or trailers for use on private passenger cars, motorcycles, trucks or trailers.

3. [Personalized] *A personalized* prestige license [plates are] *plate is* valid for 12 months and [are] *is* renewable upon expiration. [These plates] *The plate* may be transferred from one vehicle or trailer to another if the transfer and registration fees are paid as set out in this chapter. Any person transferring [plates] *a plate* must be allowed a [1/12] *one-twelfth* reduction in fees for each calendar month remaining unused from the previous registration, applicable to the fees which are for the registration year for which the [plates are] *plate is* being transferred.

4. In case of any conflict, the person who first [made application for] *applied for a* personalized prestige license [plates] *plate* and has continuously renewed [them] *the plate* by payment of the required fee has priority.

5. The department may limit , by regulation , the number of letters and numbers used and prohibit the use of inappropriate letters or combinations of letters and numbers.

6. The department shall not assign to any person not holding the relevant office any letters and numbers denoting that the holder holds a public office.

Sec. 15. NRS 482.3669 is hereby amended to read as follows:

482.3669 The department may make such regulations as are necessary to [insure] *ensure* compliance with all applicable laws pertaining to the licensing and registration of vehicles before issuing *a* personalized prestige license [plates] *plate* in lieu of [the] *a* regular Nevada license plate [or plates,] and all applications for *a* personalized prestige license [plates] *plate* must be made to the department.

Sec. 16. NRS 482.367 is hereby amended to read as follows:

482.367 1. The department shall charge and collect the following fees for the issuance of *a* personalized prestige license [plates,] *plate,* which fees are in addition to all other license fees and motor vehicle taxes:

(a) For the first issuance $35

(b) For a renewal sticker 20

(c) For changing to another personalized prestige license plate..... 35

2. The additional fees collected by the department for the issuing of *a* personalized prestige license [plates] *plate* must be deposited with the state treasurer to the credit of the motor vehicle fund.

Sec. 17. NRS 482.3672 is hereby amended to read as follows:

482.3672 1. An owner of a motor vehicle who is a resident of this state and who is regularly employed or engaged as an editor, reporter or photographer by a newspaper or television or radio station may, upon signed application on a form prescribed and provided by the department, accompanied by:

(a) The fee charged for *a* personalized prestige license [plates in] *plate pursuant to* NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A letter from the news director, editor or publisher of the periodical or station by whom he is employed,

be issued *a* license [plates] *plate* upon which is inscribed PRESS with three consecutive numbers.

2. Each person who is eligible for *a* special license [plates under] *plate pursuant to* this section may apply for [one set of plates. The plates] *a plate. The plate* may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom *a* special license [plates have] *plate has* been issued pursuant to *the provisions of* this section leaves the service of the newspaper or station which has provided the letter required by subsection 1, he shall surrender [any special plates] *the special plate* in his possession to

the department and is entitled to receive *a* regular Nevada license [plates. Surrendered plates] *plate. A surrendered plate* may be reissued or disposed of in a manner authorized by the regulations of the department.

4. The department may adopt regulations governing the issuance of special license plates to members of the press.

Sec. 18. NRS 482.3675 is hereby amended to read as follows:

482.3675 1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this state and who holds from a foreign country a letter of appointment as an honorary consul may, upon signed application on a form prescribed and provided by the department, accompanied by:

(a) The fee charged for *a* personalized prestige license [plates in] *plate pursuant to* NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,

be issued a [set of license plates] *license plate* upon which is inscribed CONSULAR CORPS with three consecutive numbers.

2. Each person who is eligible for *a* special license [plates under] *plate pursuant to* this section may apply for [one set of plates. The plates] *a plate. The plate* may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom *a* special license [plates have] *plate has* been issued pursuant to this section loses his status as an honorary consul, he shall surrender [any special plates] *the special plate* in his possession to the department and is entitled to receive *a* regular Nevada license [plates. Surrendered plates] *plate. A surrendered license plate* may be reissued or disposed of in a manner authorized by the regulations of the department.

4. The department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The department shall include on the form for application a notice to the applicant that the issuance of such *a* license [plates] *plate* does not confer any diplomatic immunity.

Sec. 19. NRS 482.368 is hereby amended to read as follows:

482.368 1. Except as otherwise provided in subsection 2, the department shall provide suitable distinguishing license plates for exempt vehicles. [These] *The* plates must be displayed on the vehicles in the same manner as provided for privately owned vehicles. The fee for the issuance of [the plates] *a plate* is $5. [Any license plates] *A license plate* authorized by this section must be immediately returned to the department [when] *if* the vehicle for which [they were] *it was* issued ceases to be used exclusively for the purpose for which it was exempted from the privilege tax.

2. License plates furnished for:

(a) Those vehicles which are maintained for and used by the governor or under the authority and direction of the chief parole and probation officer, the state contractors' board and auditors, the state fire marshal, the investigation division of the department and any authorized federal law enforcement agency or law enforcement agency from another state;

(b) One vehicle used by the department of prisons, three vehicles used by the division of wildlife of the state department of conservation and natural resources, two vehicles used by the Caliente youth center and four vehicles used by the Nevada youth training center;

(c) Vehicles of a city, county or the state, if authorized by the department for purposes of law enforcement or work related thereto or such other purposes as are approved upon proper application and justification; and

(d) Vehicles maintained for and used by investigators of *:* [the following:]

(1) The state gaming control board;

(2) The division of agriculture of the department of business and industry;

(3) The attorney general;

(4) City or county juvenile officers;

(5) District attorneys' offices;

(6) Public administrators' offices;

(7) Public guardians' offices;

(8) Sheriffs' offices;

(9) Police departments in [the] *this* state; and

(10) The securities division of the office of the secretary of state,

must not bear any distinguishing mark which would [serve to] identify the vehicles as owned by the state, county or city. [These] *The* license plates must be issued annually for $12 per plate . [or, if issued in sets, per set.]

3. The director may enter into agreements with departments of motor vehicles of other states providing for exchanges of license plates of regular series for vehicles maintained for and used by investigators of the law enforcement agencies enumerated in paragraph (d) of subsection 2, subject to [all of] the requirements imposed by that paragraph, except that the fee required by that paragraph must not be charged.

4. Applications for the licenses must be made through the head of the department, board, bureau, commission, school district or irrigation district, or through the chairman of the board of county commissioners of the county or town or through the mayor of the city, owning or controlling the vehicles, and no plate [or plates] may be issued until a certificate has been filed with the department showing that the name of the department, board, bureau, commission, county, city, town, school district or irrigation district, as the case may be, and the words "For Official Use Only" have been permanently and legibly affixed to each side of the vehicle, except those vehicles enumerated in subsection 2.

5. As used in this section, "exempt vehicle" means a vehicle exempt from the privilege tax, except [one] *a vehicle* owned by the United States.

6. The department shall adopt regulations governing the use of all license plates provided for in this section. Upon a finding by the department of any violation of its regulations, it may revoke the violator's privilege of registering vehicles pursuant to this section.

Sec. 20. NRS 482.370 is hereby amended to read as follows:

482.370 1. The department shall furnish to each United States Senator a special license plate [or plates] showing on the face thereof, "U.S.S. 1," in the case of the senior Senator and "U.S.S. 2," in the case of the junior Senator.

2. The department shall furnish to United States Representatives suitably distinctive plates.

3. The department shall issue plates pursuant to this section upon payment of the license fees set forth in NRS 482.3745.

Sec. 21. NRS 482.373 is hereby amended to read as follows:

482.373 1. The department shall furnish to the governor a special license plate [or plates] showing on the face thereof "1" without county designation. The department shall issue such number of license plates as may be necessary for all private cars owned by the governor upon payment of the license fees set forth in NRS 482.3745.

2. The department shall furnish to the lieutenant governor a special license plate [or plates] showing on the face thereof "2" without county designation. The department shall issue such number of license plates as may be necessary for all private cars owned by the lieutenant governor upon payment of the license fees set forth in NRS 482.3745.

Sec. 22. NRS 482.374 is hereby amended to read as follows:

482.374 1. The department shall furnish to each state senator and state assemblyman a special license plate [or plates] showing on the face thereof, in the case of the senators, "State Senator," together with the designated number showing the seniority of the senator in the senate, and, in the case of the assemblymen, "State Assemblyman" or "State Assemblywoman," as appropriate, together with the designated number showing the seniority of the assemblyman in the assembly. If two or more legislators have the same seniority, the designated number given to them must be determined according to the alphabetical order of their last names, except that numbers drawn by lot by legislators having the same seniority [prior to] *before* January 1, 1971, must be maintained in the same sequence.

2. The department shall furnish to each justice of the supreme court, in order of seniority, a special plate [or plates] showing on the face thereof: "Supreme Court Justice 1"; "Supreme Court Justice 2"; "Supreme Court Justice 3"; "Supreme Court Justice 4"; and "Supreme Court Justice 5." If two or more justices have the same seniority, the designated number given to

them must be determined according to the alphabetical order of their last names.

3. The department shall issue the licenses and duplicate [set of] license plates described in this section to the state legislators and justices of the supreme court upon payment of the license fees set forth in NRS 482.3745.

Sec. 23. NRS 482.3745 is hereby amended to read as follows:

482.3745 The fee for a license plate [or set of plates] issued pursuant to NRS 482.370 to 482.374, inclusive, is $5, in addition to all other applicable registration and license fees and motor vehicle privilege taxes.

Sec. 24. NRS 482.3747 is hereby amended to read as follows:

482.3747 1. The department, in cooperation with the board of regents and the athletic departments of the University of Nevada, Reno, and the University of Nevada, Las Vegas, shall design, prepare and issue collegiate license plates, using any appropriate colors and designs to represent each university.

2. The department may issue *a* collegiate license [plates] *plate* for any passenger car or light commercial vehicle upon application by any person who is entitled to *a* license [plates] *plate* pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that *a* personalized prestige license [plates] *plate* issued pursuant to NRS 482.3667 be combined with *a* collegiate license [plates] *plate* if that person pays the fees for the personalized prestige license [plates] *plate* in addition to the fees for the collegiate license [plates] *plate* pursuant to subsections 3 and 4.

3. The fee for [the] *a* collegiate license [plates] *plate* is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. [Collegiate license plates are] *A collegiate license plate is* renewable upon the payment of $10.

4. In addition to all fees for the license, registration and privilege taxes, a person who requests a collegiate license plate shall pay for the initial issuance of a plate an additional fee of $25 and for each renewal of the plate an additional fee of $20 for academic and athletic scholarships to students of the University of Nevada, Reno, and the University of Nevada, Las Vegas.

5. The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the collegiate license plate account in the state general fund created pursuant to NRS 396.384.

6. If, during a registration year, the holder of *a* collegiate [plates] *plate* issued pursuant to the provisions of this section disposes of the vehicle to which the [plates are] *plate is* affixed, he may retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

Sec. 25. NRS 482.375 is hereby amended to read as follows:

482.375 1. An owner of a motor vehicle who is a resident of [the State of Nevada] *this state* and who holds an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon application accompanied by proof of ownership of that license, complying with the [state motor vehicle] laws relating to *the* registration and licensing of motor vehicles [,] *in this state,* and upon the payment of the regular license fee for [plates] *a plate* as prescribed by law, and the payment of an additional fee of $25, must be issued a license plate [or plates,] upon which in lieu of the numbers as prescribed by law must be inscribed the words "RADIO AMATEUR" and the official amateur radio call letters of the applicant as assigned by the Federal Communications Commission. The annual fee for a renewal sticker is $15 unless waived by the department pursuant to subsection 2. The plate [or plates] may be used only on a private passenger car, trailer or travel trailer or on a noncommercial truck.

2. The department may waive the annual fee for a renewal sticker if the applicant for renewal:

(a) Submits with his application for renewal a statement *signed,* under penalty of perjury , that he will assist in communications during local, state and federal emergencies; and

(b) Satisfies any other requirements established by the department by regulation for such a waiver.

3. The cost of die and modifications necessary for the issuance of a license plate pursuant to this section must be paid from private sources without any expense to the State of Nevada.

4. The department may adopt regulations:

(a) To ensure compliance with all state license laws relating to the use and operation of a motor vehicle before issuance of [the plates] *a plate* in lieu of the regular Nevada license plate . [or plates.]

(b) Setting forth the requirements and procedure for obtaining a waiver of the annual fee for a renewal sticker.

5. All applications for the plates authorized by this section must be made to the department.

Sec. 26. NRS 482.3755 is hereby amended to read as follows:

482.3755 1. An owner of a motor vehicle who is a resident of this state and is a member of the Nevada Wing of the Civil Air Patrol may, upon application on a form prescribed and furnished by the department, signed by the member and his commanding officer and accompanied by proof of membership, be issued *a* license [plates] *plate* upon which is inscribed CIVIL AIR PATROL with four consecutive numbers. The fee for the special

license [plates] *plate* is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The annual fee for a renewal sticker is $15.

2. Each member may request two [sets of] license plates as described in subsection 1. The second [set of license plates] *license plate* for an additional vehicle must have a different number than the first [set of license plates] *license plate* issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada Wing of the Civil Air Patrol who retires or is honorably discharged may retain any license plates issued to him pursuant to subsection 1. If a member is dishonorably discharged, he shall surrender any [of these] special plates in his possession to the department at least 10 days before his discharge and, in lieu of those plates, is entitled to receive *a* regular Nevada license [plates.] *plate.*

Sec. 27. NRS 482.376 is hereby amended to read as follows:

482.376 1. An owner of a motor vehicle who is a resident of this state and is an enlisted or commissioned member of the Nevada National Guard may, upon application on a form prescribed and furnished by the department, signed by the member and his commanding officer and accompanied by proof of enlistment, be issued *a* license [plates] *plate* upon which is inscribed NAT'L GUARD with four consecutive numbers. The applicant [shall] *must* comply with the laws of this state concerning motor vehicles, including the payment of the regular registration fees, as prescribed by this chapter. There is an additional fee of $5 for the issuance of [those plates.] *the plate.*

2. Each member may request two [sets of] license plates as described in subsection 1. The second [set of license plates] *license plate* for an additional vehicle must have a different number than the first [set of license plates] *license plate* issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada National Guard other than the adjutant general, who retires or is honorably discharged may retain any license plates issued to him pursuant to subsection 1. The adjutant general shall surrender any license plates issued to him as adjutant general to the department when he leaves office, and may then be issued *not more than two* special license plates as described in subsection 1. If a member is dishonorably discharged, he shall surrender any [of these] special plates in his possession to the department at least 10 days before his discharge and, in lieu of those plates, is entitled to receive *a* regular Nevada license [plates.] *plate.*

Sec. 28. NRS 482.3763 is hereby amended to read as follows:

482.3763 1. The director shall order the preparation of special license plates in support of a veterans' home, and establish procedures for the application for and issuance of the plates.

2. The department shall, upon application therefor and payment of the prescribed fees, issue *a* special license [plates] *plate* in support of a veterans' home to any veteran of the Armed Forces of the United States or his spouse, parent or child. The [plates] *plate* must be inscribed with the word VETERAN and four consecutive numbers, and with the seal of the branch of the Armed Forces of the United States requested by the applicant.

3. If during a registration year, the holder of *a* special [plates] *plate* issued pursuant to this section disposes of the vehicle to which the [plates are] *plate is* affixed, he shall retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

4. In addition to all other applicable registration and license fees and motor vehicle privilege taxes, and to the special fee for a veterans' home, the fee for:

(a) The initial issuance of [the] *a* special license [plates] *plate* is $35.

(b) The annual renewal sticker is $10.

5. If the special [plates] *plate* issued pursuant to *the provisions of* this section [are] *is* lost, stolen or mutilated, the owner of the vehicle may secure a [set of] replacement license [plates] *plate* from the department for a fee of $10.

Sec. 29. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A person who qualifies pursuant to this section may register one passenger car or light commercial vehicle having a manufacturer's rated carrying capacity of 1 ton or less, for his [own] personal use. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to a specially designed license plate inscribed with the words PEARL HARBOR VETERAN or PEARL HARBOR SURVIVOR, at the option of the person who qualifies pursuant to this section, and three or four consecutive numbers.

2. The department shall issue a specially designed license plate for persons qualified pursuant to this section who submit an application on a form prescribed by the department and evidence of their status as a survivor required by the department.

3. If during a registration year, the holder of a special plate issued pursuant to *the provisions of* this section disposes of the vehicle to which the [plates are] *plate is* affixed, he shall retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

4. The fee for the special license plate is $25, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The annual fee for a renewal sticker is $5.

Sec. 30. NRS 482.377 is hereby amended to read as follows:

482.377 1. A person who qualifies pursuant to this section may register one passenger car or light commercial vehicle having a manufacturer's rated carrying capacity of one ton or less, for his [own] personal use. A veteran of the Armed Forces of the United States who, as a result of his service:

(a) Has suffered a 100-percent service-connected disability and who receives compensation from the United States for his disability, is entitled to a specially designed license plate inscribed with the words DISABLED VETERAN and three or four consecutive numbers.

(b) Has been captured and held prisoner by a military force of a foreign nation, is entitled to a specially designed license plate inscribed with the words ex-PRISONER OF WAR and three or four consecutive numbers.

2. The department shall issue a specially designed license plate for persons qualified pursuant to this section who submit an application on a form prescribed by the department and evidence of disability or former imprisonment required by the department.

3. A vehicle on which *a* license [plates] *plate* issued by the department pursuant to this section [are] *is* displayed is exempt from the payment of any parking fees, including those *fees* collected through parking meters, charged by the state or any political subdivision or other public body within [the] *this* state, other than the United States.

4. If during a registration year, the holder of a special plate issued pursuant to this section disposes of the vehicle to which the [plates are] *plate is* affixed, he shall retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

Sec. 31. NRS 482.3775 is hereby amended to read as follows:

482.3775 1. A person who qualifies pursuant to this section may register one passenger car or light commercial vehicle having a manufacturer's rated carrying capacity of 1 ton or less, for his [own] personal use. A veteran of the Armed Forces of the United States who was awarded the Purple Heart is entitled to a specially designed license plate which indicates that he is a recipient of the Purple Heart.

2. The department shall issue a specially designed license plate for any person qualified pursuant to this section who submits an application on a

form prescribed by the department and evidence of his status as a recipient of the Purple Heart as required by the department. The department may designate any appropriate colors for the special plates.

3. If, during a registration year, the holder of a special plate issued pursuant to the provisions of this section disposes of the vehicle to which the [plates are] *plate is* affixed, he shall retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

4. The fee for the special license plate is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The annual fee for a renewal sticker is $15. If [the special plates] *a special plate* issued pursuant to *the provisions of* this section [are] *is* lost, stolen or mutilated, the owner of the vehicle may secure a [set of] replacement license [plates] *plate* from the department for a fee of $5.

Sec. 32. NRS 482.378 is hereby amended to read as follows:

482.378 1. An owner of a motor vehicle who is a resident of this state and has been awarded the Congressional Medal of Honor may, upon signed application on a form prescribed and furnished by the department, be issued *a* license [plates which indicate] *plate which indicates* that he is a recipient of the Congressional Medal of Honor. The applicant [shall] *must* comply with the motor vehicle laws of this state, including the provisions of chapter 371 of NRS and the payment of the registration fees required by this chapter, but no fee may be charged [under] *pursuant to* NRS 482.367.

2. Each person who is eligible for *a* special license [plates under] *plate pursuant to* this section may apply for two [sets of] plates. The second [set of plates] *plate* for an additional vehicle must have a different number than the first [set of plates] *plate* issued to the same applicant. The plates may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The department may adopt regulations governing the issuance of special license plates to recipients of the Congressional Medal of Honor.

Sec. 33. NRS 482.3791 is hereby amended to read as follows:

482.3791 1. Except as otherwise provided in this subsection, the department, in cooperation with the sheriffs and chiefs of police in this state, shall design, prepare and issue license plates which express support for the program for drug abuse resistance education using any colors and designs which the department deems appropriate. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The department may issue *a* license [plates which express] *plate which expresses* support for the program for drug abuse resistance education

for any passenger car or light commercial vehicle upon application by any person who is entitled to *a* license [plates] *plate* pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that *a* personalized prestige license [plates] *plate* issued pursuant to NRS 482.3667 be combined with *a* license [plates which express] *plate which expresses* support for the program for drug abuse resistance education if that person pays the fees for the personalized prestige license [plates] *plate* in addition to the fees for the license [plates which express] *plate which expresses* support for the program for drug abuse resistance education pursuant to subsections 3 and 4.

3. The fee for *a* license [plates which express] *plate which expresses* support for the program for drug abuse resistance education is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The license [plates are] *plate is* renewable upon the payment of $10.

4. In addition to all fees for the license, registration and privilege taxes, a person who requests a [set of license plates] *license plate* which expresses support for the program for drug abuse resistance education must pay for the initial issuance of the [plates] *plate* an additional fee of $25 and for each renewal of the [plates] *plate* an additional fee of $20 to finance the program for drug abuse resistance education.

5. The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the account for license plates which express support for the program for drug abuse resistance education which is hereby created in the state general fund. The fees must be accompanied by a report which sets forth the number of vehicles in each county which have been issued license plates pursuant to this section. The state controller shall distribute the money deposited in that account to the general fund of each county in the proportion that the number of vehicles issued license plates pursuant to this section in that county bears to the total number of vehicles issued license plates pursuant to this section for all counties in this state.

6. The money a county receives pursuant to subsection 5 must only be used to finance the program for drug abuse resistance education in that county.

7. If, during a registration year, the holder of *a* license [plates] *plate* issued pursuant to the provisions of this section disposes of the vehicle to which the [plates are] *plate is* affixed, he may retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

Sec. 34. NRS 482.3792 is hereby amended to read as follows:

482.3792 1. Except as otherwise provided in this subsection, the department shall, in cooperation with the state council on the arts, design, prepare and issue license plates for the support of the education of children in the arts, using any colors and designs which the department deems appropriate. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The department may issue *a* license [plates] *plate* for the support of the education of children in the arts for any passenger car or light commercial vehicle upon application by any person who is entitled to *a* license [plates] *plate* pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that *a* personalized prestige license [plates] *plate* issued pursuant to NRS 482.3667 be combined with *a* license [plates] *plate* for the support of the education of children in the arts if that person pays the fee for the personalized prestige license [plates] *plate* in addition to the fees for the license [plates] *plate* for the support of the education of children in the arts pursuant to subsections 3 and 4.

3. The fee for *a* license [plates] *plate* for the support of the education of children in the arts is $35, in addition to all other applicable registration and license fees and motor vehicle taxes. The license [plates are] *plate is* renewable upon the payment of $10.

4. In addition to all fees for the license, registration and privilege taxes, a person who requests a [set of license plates] *license plate* for the support of the education of children in the arts must pay for the initial issuance of the [plates] *plate* an additional fee of $15 and for each renewal of the [plates] *plate* an additional fee of $10 to finance programs which promote the education of children in the arts.

5. The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the account for license plates for the support of the education of children in the arts created pursuant to NRS 233C.094.

6. If, during a registration year, the holder of *a* license [plates] *plate* issued pursuant to the provisions of this section disposes of the vehicle to which the [plates are] *plate is* affixed, he may retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

Sec. 35. NRS 482.3793 is hereby amended to read as follows:

482.3793 1. Except as otherwise provided in this subsection, the department, in cooperation with the director of the clearinghouse established

pursuant to NRS 432.170, shall design, prepare and issue license plates for the support of missing or exploited children. The license plates must be inscribed with a hand. The department may designate any appropriate colors for the license plates. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The department may issue *a* license [plates] *plate* for the support of missing or exploited children for any passenger car or light commercial vehicle upon application by any person who is entitled to *a* license [plates] *plate* pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that *a* personalized prestige license [plates] *plate* issued pursuant to NRS 482.3667 be combined with *a* license [plates] *plate* for the support of missing or exploited children if that person pays the fees for the personalized prestige license [plates] *plate* in addition to the fees for the license [plates] *plate* for the support of missing or exploited children pursuant to subsections 3 and 4.

3. The fee for *a* license [plates] *plate* for the support of missing or exploited children is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The license [plates are] *plate is* renewable upon the payment of $10.

4. In addition to all fees for the license, registration and privilege taxes, a person who requests a [set of license plates] *license plate* for the support of missing or exploited children must pay for the initial issuance of the [plates] *plate* an additional fee of $15 and for each renewal of the [plates] *plate* an additional fee of $10 to carry out the provisions of NRS 432.150 to 432.220, inclusive.

5. The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the account for license plates for the support of missing or exploited children created pursuant to NRS 432.154.

6. If, during a registration year, the holder of *a* license [plates] *plate* issued pursuant to the provisions of this section disposes of the vehicle to which the [plates are] *plate is* affixed, he may retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

Sec. 36. NRS 482.3794 is hereby amended to read as follows:

482.3794 1. Except as otherwise provided in this subsection, the director shall order the preparation of special license plates for the support of veterans' cemeteries in this state and establish the procedure for the application for and issuance of the plates. The director shall not order the

preparation of the special license plates unless he receives at least 250 applications for the issuance of those plates.

2. The department shall, upon application therefor and payment of the prescribed fees, issue *a* special license [plates] *plate* for the support of the veterans' cemeteries in this state to any person who is a retired member of the Armed Forces of the United States. The [plates] *plate* must be inscribed with the words ARMED FORCES RETIRED and four consecutive numbers, and except as otherwise provided in subsections 3 and 4, with the seal of the branch of the Armed Forces of the United States requested by the applicant.

3. Except as otherwise provided in subsection 4, the department shall, upon the request of an applicant, substitute for the seal of the branch of the Armed Forces of the United States the emblem or other insigne of the specific military unit to which the applicant was assigned if:

(a) The military unit is a recognized unit within the particular branch of the Armed Forces of the United States; and

(b) At least 250 applicants request the substitution of that emblem or insigne.

4. The director may use or imitate a seal, emblem or other insigne of a branch, or unit within that branch, of the Armed Forces of the United States only if that use or imitation complies with the provisions of 10 U.S.C. § 1057, as that section existed on October 1, 1995.

5. In addition to all other applicable registration and license fees and privilege taxes, the fee for the initial issuance of [the] *a* special license [plates] *plate* is $35. The annual renewal fee is $10.

6. In addition to all other applicable registration and license fees and privilege taxes, a person who requests *a* special license [plates] *plate* issued pursuant to this section [shall] *must* pay:

(a) A fee of $25 for the initial issuance of the [plates;] *plate;* and

(b) A fee of $20 for the annual renewal of the [plates,] *plate,*

for the support of veterans' cemeteries in this state.

7. The department shall deposit the fees collected pursuant to subsection 6 with the state treasurer for credit to:

(a) The account for a veterans' cemetery in northern Nevada created pursuant to NRS 417.220, if the [plates were] *plate was* issued for a vehicle registered in the counties of Washoe, Storey, Douglas, Lyon, Churchill, Pershing, Humboldt, Lander, Elko, Eureka, Mineral, White Pine or Carson City; or

(b) The account for a veterans' cemetery in southern Nevada created pursuant to NRS 417.220, if the [plates were] *plate was* issued for a vehicle registered in the counties of Lincoln, Nye, Esmeralda or Clark.

8. If , during a registration year, the holder of *a* special [plates] *plate* issued pursuant to this section disposes of the vehicle to which the [plates are] *plate is* affixed, he shall retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

9. If [the special plates] *a special license plate* issued pursuant to this section [are] *is* lost, stolen or mutilated, the owner of the vehicle may obtain a [set of] replacement license [plates] *plate* from the department for a fee of $10.

Sec. 37. NRS 482.380 is hereby amended to read as follows:

482.380 1. The department may issue *a* special [motor vehicle license plates] *license plate* from year to year to a person who has resided in [the State of Nevada] *this state* for a period of 6 months preceding the date of application for the license [plates] *plate* and who owns a motor vehicle which is a model manufactured during or before 1915.

2. To administer the provisions of this section, the department may recognize the Horseless Carriage Club of Nevada as presently constituted as the official Horseless Carriage Club of Nevada and to designate and appoint one member of the board of directors of the Horseless Carriage Club of Nevada to act as and be an ex officio deputy of the department and to perform the duties and functions prescribed by this section without compensation, per diem allowance or travel expenses.

3. An applicant for *a* license [plates] *plate* pursuant to the provisions of this section must:

(a) [Fill out and sign] *Complete* an application for *a* license [plates] *plate* on a form prescribed and furnished by the ex officio deputy for licensing antique motor vehicles.

(b) Present evidence of his eligibility for *a* license [plates] *plate* by showing, to the satisfaction of the ex officio deputy, residence in this state for 6 months preceding the date of application and ownership of an antique motor vehicle which is a model manufactured during or before 1915.

(c) Present a certificate of inspection issued by a committee, or member thereof, appointed by the board of directors of the Horseless Carriage Club of Nevada verifying that the antique motor vehicle is in safe and satisfactory mechanical condition, is in good condition and state of repair, is well equipped and is covered by a policy of insurance covering public liability and property damage written by an insurance company qualified to do business in this state with limits of not less than $10,000 for each person nor less than $20,000 for each accident, and not less than $5,000 for property damage and which otherwise meets the requirements of chapter 485 of NRS.

(d) Exhibit a [valid] driver's license authorizing the applicant to drive a motor vehicle on the highways of this state.

(e) Pay the fee prescribed by the laws of this state for the operation of a passenger car, without regard to the weight or the capacity for passengers.

(f) Pay such other fee as prescribed by the board of directors of the Horseless Carriage Club of Nevada necessary to defray all [cost] *the costs* of manufacture, transportation and issuance of the special license plates.

4. The ex officio deputy for licensing antique motor vehicles shall each calendar year issue *a* license [plates,] *plate,* approved by the department, for each motor vehicle owned by an applicant who meets the requirements of subsection 3, subject to the following conditions:

(a) The license plates must be numbered and issued consecutively each year beginning with "Horseless Carriage 1."

(b) The license plates must conform, as nearly as possible, to the color and type of license plate issued in this state for regular passenger cars.

(c) The special license plates issued pursuant to this section must be specified, procured, transported and issued solely at the expense *of* and cost [of] *to* the Horseless Carriage Club of Nevada and without any expense to the State of Nevada.

5. The ex officio deputy for licensing antique motor vehicles shall pay quarterly to the department the prescribed fee as provided in paragraph (e) of subsection 3. The fees so received must be used, disbursed or deposited by the department in the same manner as provided by law for other fees for registration and licensing. All other fees collected to defray expenses must be retained by the board of directors of the Horseless Carriage Club of Nevada.

6. [The license plates] *A license plate* obtained pursuant to this section [are] *is* in lieu of the license plates otherwise provided for in this chapter and [are] *is* valid for the calendar year in which [they are] *the license plate is* issued.

7. The department shall charge and collect the following fees for the issuance of [these license plates, which] *such a license plate. The* fees are in addition to all other license fees and motor vehicle taxes:

(a) For the first issuance $15

(b) For a renewal sticker 5

Sec. 38. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. The department may issue special license plates and registration certificates to residents of [Nevada] *this state* for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words STREET ROD and three or four consecutive numbers.

3. If , during a registration year, the holder of *a* special [plates] *plate* issued pursuant to this section disposes of the vehicle to which the [plates are] *plate is* affixed, he shall retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

4. The fee for [the] *a* special license [plates] *plate* is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The fee for an annual renewal sticker is $20.

Sec. 39. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. The department may issue special license plates and registration certificates to residents of [Nevada] *this state* for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the department.

2. License plates issued pursuant to this section must be inscribed with the words CLASSIC ROD and three or four consecutive numbers.

3. If during a registration year, the holder of *a* special [plates] *plate* issued pursuant to this section disposes of the vehicle to which the [plates are] *plate is* affixed, he shall retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

4. The fee for the special license [plates] *plate* is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The fee for an annual renewal sticker is $20.

Sec. 40. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. The department may issue special license plates and registration certificates to residents of [Nevada] *this state* for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words CLASSIC VEHICLE and three or four consecutive numbers.

3. If during a registration year, the holder of *a* special [plates] *plate* issued pursuant to this section disposes of the vehicle to which the [plates are] *plate is* affixed, he shall retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

4. The fee for the special license [plates] *plate* is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The fee for an annual renewal sticker is $10.

Sec. 41. NRS 482.3823 is hereby amended to read as follows:

482.3823 1. An educational institution may operate on the highways of this state an unregistered motor vehicle otherwise required to be registered pursuant to this chapter if there is displayed on the vehicle a special license plate assigned to the educational institution pursuant to subsection 2. [Such] *The* operation is strictly limited to movement of the vehicle:

(a) From one educational institution to another educational institution;

(b) From the educational institution to an established place of business which specializes in particular automotive repairs; and

(c) Which is necessary to test the vehicle under practical operating conditions on the road.

2. Upon application by an educational institution, submission of such evidence of qualification as is determined necessary by the director and payment of the applicable fee, the department shall assign to the educational institution one or more [sets of] special license plates for use on educational vehicles. The department shall charge and collect a fee of $5 for each [set of] special license [plates] *plate* issued pursuant to this section. The [plates are] *plate is* valid for 1 year. The fee for renewal is $5.

3. Any unauthorized use of *a* special license [plates] *plate* issued pursuant to this section is cause for the department to revoke all [sets of those] *such* plates issued to the educational institution. Unauthorized use of [the plates] *a plate* includes:

(a) Display on a vehicle which is not an educational vehicle; and

(b) Movement of an educational vehicle in any manner not authorized in subsection 1.

4. Each special plate issued pursuant to this section must have displayed upon it suitable characters, as determined by the department, to identify the vehicle as an educational vehicle. The special plates may be used interchangeably on educational vehicles by the educational institution to which the plates were issued.

5. As used in this section:

(a) "Educational institution" means:

(1) A public school as that term is defined in NRS 385.007; or

(2) One of the branches or facilities within the University and Community College System of Nevada,

which offers a course of instruction in automotive repair and owns or controls an educational vehicle.

(b) "Educational vehicle" means any motor vehicle which is owned or controlled by an educational institution and used exclusively for the purposes of a course of instruction in automotive repair. The term does not include any motor vehicle:

(1) Used by the educational institution for any purpose not directly related to a course of instruction in automotive repair.

(2) Owned by a pupil, student or employee of the educational institution.

Sec. 42. NRS 482.384 is hereby amended to read as follows:

482.384 1. Upon the application of a person with a disability which limits or impairs the ability to walk, the department may issue *a* special license [plates] *plate* for a vehicle registered by the applicant pursuant to this chapter. Except as otherwise provided in subsection 2, the application must include a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk. The issuance of a special license plate pursuant to this subsection does not [preclude] *prohibit* the issuance of a special parking placard pursuant to subsection 6.

2. Every second year after the initial issuance of *a* special license [plates] *plate* to a person who the department determines is not permanently disabled, the department shall require the person, when he applies to renew his special license [plates,] *plate,* to include with his application a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk. The department shall not require a person who it determines is permanently disabled to include such a statement with his application for renewal.

3. Upon the application of an organization which provides transportation for a person with a disability which limits or impairs the ability to walk, the department may issue *a* special license [plates] *plate* for a vehicle registered by the organization pursuant to this chapter. The application must include a statement from the organization certifying that the vehicle is used primarily to transport persons with disabilities which limit or impair the ability to walk.

4. The department may charge a fee for *a* special license [plates] *plate* issued pursuant to this section not to exceed the fee charged for the issuance of *a* license [plates] *plate* for the same class of vehicle.

5. Special license plates issued pursuant to this section must display the international symbol of access in a color which contrasts with the background and is the same size as the numerals and letters on the plate.

6. Upon the application of a person with a disability which limits or impairs the ability to walk, the department may issue a special parking placard. Upon request, the department may issue one additional placard to an

applicant to whom *a* special license [plates have] *plate has* not been issued pursuant to this section. The application must include a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk.

7. A special parking placard issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a blue background;

(b) Have an identification number and date of expiration;

(c) Have placed or inscribed on it the seal or other identification of the department; and

(d) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

8. The department, or a city or county, may issue [,] and charge a reasonable fee for, a temporary parking placard upon the application of a person with a temporary disability which limits or impairs the ability to walk. Upon request, the department, city or county may issue one additional temporary parking placard to an applicant. The application must include a certificate from a licensed physician indicating:

(a) That the applicant has a temporary disability which limits or impairs the ability to walk; and

(b) The estimated period of the disability.

9. A temporary parking placard issued pursuant to subsection 8 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a red background; and

(b) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

10. A temporary parking placard is valid only for the period for which a physician has certified the disability, but in no case longer than 6 months.

11. A special or temporary parking placard must be displayed [in the vehicle when the vehicle is parked] by hanging or attaching the placard to the rearview mirror of the vehicle [.] *when the vehicle is parked.* If the vehicle [has no] *does not have a* rearview mirror, the placard must be placed on the dashboard of the vehicle in such a manner that the placard can easily be seen from outside the vehicle when the vehicle is parked.

12. Special or temporary parking placards or special license plates issued pursuant to this section do not authorize parking in any area on a highway where parking is prohibited by law.

13. No person, other than the person certified as being a person with a disability which limits or impairs the ability to walk, or a person actually transporting such a person, may use the special license [plates or a] *plate or*

special or temporary parking placard issued pursuant to this section to obtain any special parking privileges available pursuant to this section.

14. Any person who violates the provisions of subsection 13 is guilty of a misdemeanor.

15. The department may review the eligibility of each holder of [a] *:*

(a) A special parking placard or *a* special license [plates, or both a] *plate; or*

(b) A special parking placard and *a* special license [plates.] *plate.*

Upon a determination of ineligibility by the department, the holder shall surrender the special parking placard or special license [plates,] *plate,* or both, to the department.

16. The department may adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 43. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. The holder of the original registration may transfer the registration to another vehicle to be registered by him and use the same license plate [or plates] thereon, if the license plate [or plates are] *is* appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and privilege tax on the vehicle to which the registration is transferred over the total registration fee and privilege tax paid on all vehicles from which he is transferring his ownership or interest. Application for transfer of registration must be made in person, if practicable, to any office or agent of the department or to a registered dealer, and the license plate [or plates] may not be used upon a second vehicle until registration of that vehicle is complete. In computing the privilege tax, the department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax [due] *owed* on the second vehicle. If any person transfers his ownership or interest in two or more vehicles, the department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax [due] *owed* on the vehicle to which the registration is transferred. The certificates of registration and unused license plates of the vehicles from which a person transfers his ownership or interest must be submitted before credit is given against the tax [due] *owed* on the vehicle to which the registration is transferred.

3. In computing the registration fee, the department or its agent or the registered dealer shall credit the portion of the registration fee paid on each

vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee [due] *owed* on the vehicle to which registration is transferred. If the amount owed on the registration fee or privilege tax on that vehicle is less than the credit on the total registration fee or privilege tax paid on all vehicles from which a person transfers his ownership or interest, no refund may be allowed.

4. If the license plate [or plates are] *is* not appropriate for the second vehicle, the plate [or plates] must be surrendered to the department or registered dealer and an appropriate plate [or plates] must be issued by the department. The department shall not reissue the surrendered plate [or plates] until the next succeeding licensing period.

5. If application for *a* transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate [or plates] must be surrendered to the department on or before the 60th day for cancellation of the registration.

Sec. 44. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in subsections 2, 5 and 6, upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of ownership [under] *pursuant to* the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee [shall] *must* write their signatures with pen and ink upon the certificate of ownership issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate.

2. The department shall provide a form for use by a dealer for the transfer of ownership of a vehicle when the spaces provided upon the reverse side of the certificate of ownership issued for the vehicle have been filled. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of ownership issued for a vehicle, the form becomes a part of that certificate of ownership. The department may charge a fee not to exceed $5 for each form it provides.

3. Except as otherwise provided in subsections 4, 5 and 6, the transferee shall immediately apply for registration as provided in NRS 482.215, and shall pay the privilege taxes [due.] *owed.*

4. If the transferee is a dealer who intends to resell the vehicle, he shall deliver immediately to the department or its agent the certificate of registration and the license plate [or plates] for the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215, and shall pay the privilege taxes [due.] *owed.* The dealer is not required to register, pay a transfer or registration fee for, or pay a privilege tax on any such vehicle.

5. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of ownership for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of ownership for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 4. The wholesale vehicle auctioneer is not required to comply with subsection 1 if he:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker licensed as such in this *state* or any other state; and

(3) Stamps his name, his identification number as a vehicle dealer and the date of the auction on the certificate of ownership and the bill of sale and any other documents of transfer for the vehicle.

6. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the department or its agent the certificate of registration and the license plate [or plates] for the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a privilege tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the privilege taxes [due.] *owed.*

7. [For the purposes of] *As used in* this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this *state* or any other state; and

(b) Does not in the ordinary course of his business buy, sell or own vehicles he auctions.

Sec. 45. NRS 482.415 is hereby amended to read as follows:

482.415 1. Whenever application is made to the department for registration of a vehicle previously registered pursuant to this chapter and the applicant is unable to present the certificate of registration or ownership previously issued for the vehicle because the certificate of registration or ownership is lost, unlawfully detained by one in possession or otherwise not available, the department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the department is satisfied that the applicant is entitled to new certificates of registration and ownership, it may register the applicant's vehicle and issue new certificates and a new license plate [or plates] to the person [or persons] entitled thereto.

2. Whenever application is made to the department for the registration of a motor vehicle of which the:

(a) Ownership has been transferred;

(b) Certificate of ownership is lost, unlawfully detained by one in possession or otherwise not available; and

(c) Model year is 9 years old or newer,

the transferor of the motor vehicle may, [for the purpose of furnishing] *to furnish* any information required by the department to carry out the provisions of NRS 484.60665, designate the transferee of the motor vehicle as his attorney in fact on a form for a power of attorney provided by the department.

3. The department shall provide the form described in subsection 2. The form must be:

(a) Produced in a manner that ensures that the form may not be easily counterfeited; and

(b) Substantially similar to the form set forth in Appendix E of Part 580 of Title 49 of the Code of Federal Regulations.

4. The department may charge a fee not to exceed 50 cents for each form it provides.

Sec. 46. NRS 482.423 is hereby amended to read as follows:

482.423 1. When a new vehicle is sold in this state for the first time, the seller shall complete and execute a manufacturer's certificate of origin or a manufacturer's statement of origin and, unless the vehicle is sold to a licensed dealer, a dealer's report of sale. The dealer's report of sale must be in a form prescribed by the department and [must] include:

(a) A description of the vehicle;

(b) The name and address of the seller; and

(c) The name and address of the buyer.

If, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party or his assignee must be entered on the dealer's report of sale and on the manufacturer's certificate or statement of origin.

2. Unless an extension of time is granted by the department, the seller shall:

(a) Collect the fee set forth in NRS 482.429 for a certificate of title for a vehicle registered in this state;

(b) Submit the original of the dealer's report of sale and the manufacturer's certificate or statement of origin and remit the fee collected pursuant to this subsection for the certificate of title to the department within 20 days after the execution of the dealer's report of sale; and

(c) Furnish one copy of the report to the buyer.

One copy must be affixed to the right front windshield of the vehicle, which permits the vehicle to be operated for a period not to exceed 10 days. Upon the issuance of the certificate of registration and *the* license [plates] *plate* for the vehicle or the expiration of 10 days after the sale, whichever occurs first, the buyer shall remove the copy from the windshield of the vehicle.

3. [For the purposes of establishing] *To establish* compliance with the period required by paragraph (b) of subsection 2, the department shall use the date imprinted or otherwise indicated on the dealer's report of sale as the beginning date of the 20-day period.

4. The department shall furnish a special permit for use when a contract of sale is entered to enable the buyer to operate the vehicle for a period not to exceed 20 days. Upon execution of all required documents to complete the sale of a vehicle, the dealer shall remove this permit and execute a dealer's report of sale as required by this section.

Sec. 47. NRS 482.463 is hereby amended to read as follows:

482.463 The holder of an original registration for a motor vehicle with a declared gross weight in excess of 26,000 pounds may, upon surrendering the certificate of registration and the corresponding license [plates] *plate* to the department or upon signing a notarized statement indicating the certificate of registration and the corresponding license [plates were] *plate was* lost and providing such supporting documentation as the department requires, apply to the department:

1. For a refund of an amount equal to that portion of the privilege taxes and registration fees paid for the motor vehicle that is attributable, on a pro rata monthly basis, to the remainder of the calendar year; or

2. To have that amount credited against excise taxes [due] *owed* pursuant to the provisions of chapter 366 of NRS.

Sec. 48. NRS 482.465 is hereby amended to read as follows:

482.465 1. The department shall rescind and cancel the registration of a vehicle [whenever] *if* the person to whom the certificate of registration or license [plates therefor have been] *plate was* issued makes or permits to be made any unlawful use of the certificate or [plates] *plate* or permits the use thereof by a person *who is* not entitled [thereto.] *to use the certificate or plate.*

2. The department shall cancel a certificate of ownership or certificate of registration and license [plates] *plate* which have been issued erroneously or improperly, or obtained illegally.

3. In addition to any other penalty set forth in this chapter and chapters 366 and 706 of NRS, the department may revoke a certificate of ownership or a certificate of registration and *the* license [plates] *plate* for a vehicle with a declared gross weight in excess of 26,000 pounds if the department determines that:

(a) The licensee of the vehicle has violated one or more of the provisions of this chapter or chapter 366 or 706 of NRS; and

(b) There is reasonable cause for the revocation.

4. Before revoking a certificate of ownership or a certificate of registration and *the* license [plates] *plate* pursuant to subsection 3, the department must send a written notice by certified mail to the licensee at his last known address ordering him to appear before the department at a time not less than 10 days after the mailing of the notice to show cause why the certificate of ownership or the certificate of registration and license [plates] *plate* should not be revoked pursuant to this section.

5. Upon rescission, revocation or cancellation of the certificate of ownership or of the certificate of registration and license [plates,] *plate,* the affected certificate or *the* certificate and [plates] *license plate* must be returned to the department upon receipt of notice of rescission, revocation or cancellation.

Sec. 49. NRS 482.478 is hereby amended to read as follows:

482.478 Except as otherwise provided in NRS 482.463, upon the rescission or cancellation of the registration of any vehicle pursuant to NRS 482.460 to 482.475, inclusive, or the surrender of the corresponding license [plates,] *plate,* no refund of the registration fees or privilege taxes paid for the vehicle may be allowed by the department.

Sec. 50. NRS 482.484 is hereby amended to read as follows:

482.484 1. Before the department issues to any person, pursuant to NRS 482.3763:

(a) An initial [set of] special license [plates,] *plate,* it shall collect a special fee for a veterans' home in the amount of $25.

(b) An annual renewal sticker, it shall collect a special fee for a veterans' home in the amount of $20.

2. The department shall deposit any money collected pursuant to this section with the state treasurer for credit to the veterans' home account.

Sec. 51. NRS 482.490 is hereby amended to read as follows:

482.490 Each person who applies for a manufacturer's, distributor's, dealer's or rebuilder's license plate [, or pair of plates] shall pay at the time of application a fee according to the following schedule:

For [each plate or pair of plates] *a plate* for a motor vehicle, including a motorcycle $12

For [plates] *a plate* for a trailer or semitrailer 12

This fee is in lieu of any other fee specified in this chapter except the fee imposed by NRS 482.268.

Sec. 52. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration $5.00
For every substitute number plate [or set of plates] 5.00
For every duplicate number plate [or set of plates] 10.00
For every decal displaying a county name ..... .50
For every other decal (license plate sticker or tab) 5.00

2. The following fees must be paid for any replacement plate [or set of plates] issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or [482.379] *482.3791* to 482.3816, inclusive, and section 1 of [this act,] *Assembly Bill No. 32 of this session,* a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

4. As used in this section:

(a) "Duplicate number plate" means a license plate [or a set of license plates] issued to a registered owner which [repeat] *repeats* the code of a plate [or set of plates] previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate [or a set of license plates] issued in place of a previously issued and unexpired plate [or set of plates. The plate or set of plates] *which* does not repeat the code of the previously issued plate . [or set.]

Sec. 53. NRS 482.515 is hereby amended to read as follows:

482.515 1. Whenever a person operates any vehicle upon the public highways of this state without having paid therefor the registration or transfer fee required by this chapter, the required fee shall be deemed delinquent.

2. If the fee for registration is not paid by the end of the last working day of the preceding period of registration, a penalty of $6 must be added for each period of 30 calendar days or fraction thereof during which the delinquency continues, unless the vehicle has not been operated on the highways since the expiration of the prior registration. Evidence of nonoperation of a vehicle must be furnished by an affidavit executed by a person having knowledge of the fact. The affidavit must accompany the application for renewal of *the* registration.

3. If the transferee of a vehicle, required to be registered [under] *pursuant to* the provisions of NRS 482.205, has not registered the vehicle

within 10 days after the transfer, a penalty of $6 must be added to the fee for registration. The provisions of this section do not apply to vehicles which come within the provisions of NRS 706.801 to 706.861, inclusive.

4. In addition to the penalties prescribed in subsections 2 and 3, the department and its agents shall collect the fees for *the* license [plates] *plate* and registration for each period of 30 calendar days, or portion thereof in excess of 15 days, during which the delinquency has continued or for which the vehicle has not been registered pursuant to NRS 482.205.

Sec. 54. NRS 482.545 is hereby amended to read as follows:

482.545 It is unlawful for any person to commit any of the following acts:

1. To operate, or for the owner thereof knowingly to permit the operation of, upon a highway any motor vehicle, trailer or semitrailer which is not registered or which does not have attached [thereto] *to the rear thereof* and displayed thereon [the number of plate or plates] *a license plate* assigned thereto by the department for the current period of registration or calendar year, subject to the exemption allowed in NRS 482.316 to 482.3175, inclusive, 482.320 to 482.363, inclusive, 482.385 to 482.3965, inclusive, and 482.420.

2. To display, cause or permit to be displayed or to have in possession any certificate of registration, license plate, certificate of ownership or other document of title knowing it to be fictitious or to have been canceled, revoked, suspended or altered.

3. To lend to or knowingly permit the use of by one not entitled thereto any registration card or *license* plate issued to the person so lending or permitting the use thereof.

4. To fail or to refuse to surrender to the department, upon demand, any registration card or *license* plate which has been suspended, canceled or revoked as provided in this chapter.

5. To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in an application. A violation of this subsection is a gross misdemeanor.

6. Knowingly to operate a vehicle which:

(a) Has an altered vehicle identification number, serial number, motor number, or other distinguishing number or identification mark required for registration; or

(b) Contains a part which has an altered identification number or other distinguishing number or identification mark which was placed or stamped on the part by the manufacturer pursuant to federal law or regulation.

Sec. 55. NRS 484.228 is hereby amended to read as follows:

484.228 1. A peace officer at the scene of an accident involving a motor vehicle shall, by radio, request that the information on file with the department be checked regarding the validity of the registration for each motor vehicle involved in the accident. If he is informed that the registration of a motor vehicle involved in the accident has been suspended pursuant to any provision of chapter 485 of NRS, he shall determine whether the license [plates] *plate* and certificate of registration for the motor vehicle have been surrendered as required by NRS 485.320. If the license [plates] *plate* and certificate have not been surrendered, the peace officer shall:

(a) Issue a traffic citation in the manner provided in NRS 484.799 charging the registered owner with a violation of NRS 485.320 and 485.330; and

(b) Without a warrant, seize and take possession of the motor vehicle and cause it to be towed and impounded until the owner claims it by:

(1) Presenting proof that the vehicle's registration has been reinstated by the department; and

(2) Paying the cost of the towing and impoundment.

2. Neither the peace officer nor the governmental entity which employs him is civilly liable for any damage to the vehicle that occurs after the vehicle is seized, but before the towing [process] *of the vehicle* begins.

Sec. 56. NRS 484.407 is hereby amended to read as follows:

484.407 1. Except as otherwise provided in subsection 2, an owner or operator of a motor vehicle displaying a special parking placard, a temporary parking placard or special [plates] *license plate* issued pursuant to NRS 482.384, or *a* special [plates] *license plate* for a disabled veteran issued pursuant to NRS 482.377, may park the motor vehicle for not more than 4 hours at any one time in a parking zone restricted as to the length of time parking is permitted, without penalty, removal or impoundment of the vehicle if the parking is otherwise consistent with public safety and is done by a person with a disability which limits or impairs the ability to walk, a disabled veteran or a person transporting such a person.

2. This section does not authorize the parking of a motor vehicle in any privately or municipally owned facility for parking off the highway without paying the required fee for the time during which the vehicle is so parked.

Sec. 57. NRS 484.408 is hereby amended to read as follows:

484.408 1. Any parking space designated for the handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only," or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for the handicapped;

(b) Stating "Minimum fine of $100 for use by others" or equivalent words; and

(c) The bottom of which must be not less than 4 feet above the ground.

2. A person shall not park a vehicle in a space designated for the handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless he is eligible to do so and the vehicle displays:

(a) [Special license plates] *A special license plate* issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) [Special license plates or a] *A special license plate or* special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(d) [Special license plates] *A special license plate* for a disabled veteran and a special parking placard issued pursuant to NRS 482.384.

3. A person shall not use such a plate or placard for a vehicle to park in a space designated for the handicapped unless he is a person with a disability which limits or impairs the ability to walk, a disabled veteran or the driver of a vehicle in which such a person is a passenger.

4. Any person who violates any provision of this section shall be punished:

(a) Upon the first offense , by a fine of $100.

(b) Upon the second offense , by a fine of $250.

(c) Upon the third or subsequent offense , by a fine of not less than $500 nor more than $1,000.

Sec. 58. NRS 485.317 is hereby amended to read as follows:

485.317 1. The department shall, at least monthly, compare the current registrations of motor vehicles to the information in the data base created pursuant to NRS 485.313 to verify that all owners of registered motor vehicles have maintained the insurance required by NRS 485.185.

2. The department shall mail a form for verification to each registered owner that it determines has not maintained the insurance required by NRS 485.185. The owner shall complete the form with all the information which is requested by the department, including whether he carries an owner's or operator's policy of liability insurance or a certificate of self-insurance, and return the completed form within 10 days after the date on which the form was mailed by the department.

3. When the department receives a completed form for verification , it shall verify the information on the form.

4. The department shall suspend the registration of the vehicle and require the return to the department of the license [plates] *plate* of any vehicle for which a form for verification is:

(a) Not returned to the department by the registered owner within 10 days;

(b) Returned by the registered owner and the department is not able to verify the information on the form; or

(c) Returned by the registered owner with an admission of no insurance or without indicating an insurer or the number of a motor vehicle liability policy or a certificate of self-insurance.

5. If an owner who did not return a completed form for verification within the specified period:

(a) Proves to the satisfaction of the department that there was a justifiable cause for his failure to do so;

(b) Submits a completed form regarding his insurance on the date stated in the form mailed by the department pursuant to subsection 2; and

(c) Presents evidence of current insurance,

the department shall rescind its suspension of the registration if it is able to verify the information on the form. For the purposes of this subsection, "justifiable cause" [may include] *includes* the fact that the owner did not receive the form mailed by the department pursuant to subsection 2.

6. Except as otherwise provided in subsection 7, if a registered owner whose registration is suspended pursuant to subsection 4 [,] failed to have insurance on the date specified in the form for verification, the department shall reinstate the registration of the vehicle and reissue the license [plates] *plate* only upon filing by the registered owner of evidence of current insurance and payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection 4 of NRS 482.480.

7. If a registered owner:

(a) Proves to the satisfaction of the department that his vehicle was not used in this state for a 30-day period, including the date on which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle; or

(b) Who did not return a completed form for verification within the period specified in subsection 2 subsequently proves to the satisfaction of the department that his vehicle was insured on the date stated in the form mailed by the department pursuant to subsection 2, presents to the department evidence of current insurance and pays the fee for reinstatement of registration prescribed in paragraph (b) of subsection 4 of NRS 482.480,

the department shall reinstate his registration and reissue his license [plates.] *plate.*

Sec. 59. NRS 485.320 is hereby amended to read as follows:

485.320 1. If the license of any person is suspended as provided in this chapter, he shall immediately return the license to the division. If his registration is suspended, he shall immediately return the certificate of registration and the license [plates] *plate* to the division.

2. If any person fails to return any item as required by subsection 1, the division shall forthwith direct any peace officer to secure possession thereof and to return the item to the division.

Sec. 60. NRS 371.190 is hereby amended to read as follows:

371.190 1. Every privilege tax and any penalty added thereto constitute a lien upon the vehicle for which [due] *owed* from the date on which the tax becomes due.

2. The department may collect the tax and any penalty by seizure and sale of the vehicle or, if the department determines that it is impractical to seize and sell [such] *the* vehicle, the Nevada highway patrol shall remove the registration certificate and license [plates from such] *plate from the* vehicle and retain [such] *the* certificate and [plates] *plate* until the privilege tax and any penalty are paid.

3. The seizure and sale [shall] *must* be conducted by the department in the same manner as is provided by law for the seizure and sale of personal property for the collection of taxes [due] *owed* on personal property.

Sec. 61. Section 1 of Senate Bill No. 9 of this session is hereby amended to read as follows:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, the department, in cooperation with the division of state lands of the state department of conservation and natural resources, shall design, prepare and issue license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin using any colors that the department deems appropriate. The design of the license plates must include a depiction of Lake Tahoe and its surrounding area. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The department may issue *a* license [plates] *plate* for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin for a passenger car or light commercial vehicle upon application by a person who is entitled to *a* license [plates] *plate* pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that *a* personalized prestige license [plates] *plate* issued pursuant to NRS 482.3667 be combined with *a* license [plates] *plate* for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin if that person pays the fees for the personalized prestige license [plates] *plate* in addition to the fees for the license [plates] *plate* for the support of the

preservation and restoration of the natural environment of the Lake Tahoe Basin pursuant to subsections 3 and 4.

3. The fee for *a* license [plates] *plate* for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The license [plates are] *plate is* renewable upon the payment of $10.

4. In addition to all fees for the license, registration and privilege taxes, a person who requests a [set of license plates] *license plate* for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin must pay for the initial issuance of the [plates] *plate* an additional fee of $25 and for each renewal of the [plates] *plate* an additional fee of $20 to finance projects for the preservation and restoration of the natural environment of the Lake Tahoe Basin.

5. The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the account for license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin created pursuant to section 3 of [this act.] *Senate Bill No. 9 of this session.*

6. If, during a registration year, the holder of *a* license [plates] *plate* issued pursuant to the provisions of this section disposes of the vehicle to which the [plates are] *plate is* affixed, he may retain the [plates] *plate* and:

(a) Affix [them] *it* to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the [plates] *plate* from the vehicle, return [them] *the plate* to the department.

Sec. 62. NRS 482.379 is hereby repealed.

Sec. 63. 1. Sections 2, 43, 47, 48, 52 and 61 of this act become effective at 12:01 a.m. on October 1, 1997.

2. Section 5 of this act becomes effective at 12:02 a.m. on October 1, 1997.

TEXT OF REPEALED SECTION

482.379 License plates commemorating 125th anniversary of Nevada's admission into Union.

1. The director may order the design and preparation of license plates which commemorate the 125th anniversary of Nevada's admission into the Union and establish the procedures for the application and issuance of the plates.

2. The department may designate any colors, numbers and letters for the commemorative plates.

3. A person who is entitled to license plates pursuant to NRS 482.265 may apply for commemorative license plates.

4. The fee for the commemorative license plates is $10, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. If a person is eligible for and applies for any special license plates issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.368 or 482.370 to 482.3825, inclusive, and applies to have those special license plates combined with commemorative plates, the person must pay the fees for the special license plates in addition to the fee for the commemorative plates.

5. In addition to all fees for the license, registration and privilege taxes, a person who is eligible for and applies for commemorative plates must pay $25 for the celebration of the 125th anniversary of Nevada's admission into the Union. The fees for the license, registration, privilege taxes and the charge for the celebration may be paid with a single check.

6. Commemorative plates are renewable upon the payment of $10.

7. If during a registration year, the holder of commemorative plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, he may retain the plates and:

(a) Within 30 days after removing the plates from the vehicle, return them to the department; or

(b) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as is provided for in this chapter. A person who transfers plates must be allowed a 1/12 reduction in fees for each calendar month remaining unused from the previous registration.

8. Except as otherwise provided by subsection 10, if a commemorative license plate or set of license plates issued pursuant to the provisions of this section is lost, stolen or mutilated, the owner of the vehicle may secure a replacement license plate or set of replacement license plates, as the case may be, from the department upon payment of the fees set forth in subsection 2 of NRS 482.500.

9. The department shall, for each set of commemorative license plates that it issues:

(a) Deposit the $25 collected for the celebration of the 125th anniversary of Nevada's admission into the Union with the state treasurer for credit to the account for Nevada's 125th anniversary in the state general fund;

(b) Deposit $7.50 with the state treasurer for credit to the motor vehicle fund pursuant to the provisions of NRS 482.180; and

(c) Deposit $2.50 with the state treasurer for credit to the registration division of the department of motor vehicles and public safety to reimburse the division for the cost of manufacturing the license plates.

10. The department shall not:

(a) Issue the commemorative license plates after October 31, 1990.

(b) Issue replacement commemorative license plates after June 30, 1995.".

Amend the title of the bill to read as follows: "An Act relating to license plates; requiring the issuance and display of one license plate for a motor vehicle; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Requires issuance and display of one license plate for motor vehicle. (BDR 43-1297)".

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblymen Hickey and Ernaut.

Amendment adopted.

Assemblywoman Chowning moved that Assembly Bill No. 449 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 585.

Bill read second time.

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

Amendment No. 745.

Amend section 1, page 1, line 1, by deleting "354" and inserting "361".

Amend sec. 5, page 4, by deleting lines 11 through 13 and inserting: "*taxable pursuant to NRS 361.157 or 361.159 shall deposit the revenue in or transfer the revenue to one or more of the funds established by the local government pursuant to NRS 354.611, 354.6113 or 354.6115 and use that revenue only for the purposes authorized by those sections if the revenue was received in:*".

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. NRS 354.6117 is hereby amended to read as follows:

354.6117 [The]

1. Except as otherwise provided in subsection 2, the total amount of money which may be transferred in a fiscal year from the general fund of a local government to the funds established pursuant to NRS 354.611, 354.6113 and 354.6115 must not exceed 10 percent of the total amount of the budgeted expenditures of the general fund, plus any money transferred from the general fund, other than the money transferred to those funds, for that fiscal year.

2. *Any money that a local government, pursuant to section 5 of this act, deposits in or transfers to one or more of the funds established by the local government pursuant to NRS 354.611, 354.6113 or 354.6115:*

(a) Is not subject to the limitation on the amount of money that a local government may transfer to those funds pursuant to subsection 1.

(b) Must not be included in the determination of the total amount of money transferred to those funds for the purposes of the limitation set forth in subsection 1.".

Amend the summary of the bill, second line, by deleting "(BDR 31-1198)" and inserting "(BDR 32-1198)".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 590.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 726.

Amend section 1, page 2, line 7, by deleting "*$20.*" and inserting "*$10.*".

Amend section 1, page 2, by deleting lines 11 and 12 and inserting: "*Association of America must pay for the initial issuance of the plates and for each renewal of the plates an additional fee of $20, to be distributed to the Juvenile Diabetes Foundation International and the Sickle Cell Disease Association of America in accordance with subsection 5.*".

Amend section 1, page 2, line 13, by deleting "*distribute*" and inserting "*transmit* ".

Amend section 1, page 2, line 14, after "*to the*" by inserting: "*health division of the department of human resources, which shall distribute those fees to the*".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 599.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 709.

Amend section 1, page 1, by deleting lines 12 through 18 and inserting:

"*3. Hospitals, medical laboratories and other facilities that provide screening, diagnostic or therapeutic services to patients with respect to cancer shall report information on cases of cancer to the system.*

4. Physicians who diagnose or provide treatment for cancer, except for cases directly referred or previously admitted to a hospital, medical laboratory or other facility described in subsection 3, shall report information on cases of cancer to the system.

5. As used in this section, "medical laboratory" has the meaning ascribed to it in NRS 652.060.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 221.

Bill read second time and ordered to third reading.

Senate Bill No. 255.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that the vote whereby Assembly Bill No. 449 was re-referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 449 be placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 330 be taken from the Chief Clerk's desk and placed at the top of the Senate bills on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 96.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 633.

Amend sec. 3, page 4, line 11, by deleting "*3.*" and inserting "*2.*".

Amend sec. 3, page 4, by deleting line 14 and inserting: "*for alcoholism or drug abuse which is certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation for at least 6 months. The court shall authorize*".

Amend sec. 3, page 4, line 16, by deleting "*classified* " and inserting "*diagnosed* ".

Amend sec. 3, page 4, line 17, by deleting "*classification*" and inserting "*diagnosis*".

Amend sec. 3, page 4, line 20, by deleting "*classification*" and inserting "*diagnosis*".

Amend sec. 3, page 4, by deleting lines 26 through 30.

Amend sec. 3, page 4, line 31, by deleting "*3.*" and inserting "*2.*".

Amend sec. 3, page 4, lines 38 and 39, by deleting: "*of this subsection.*" and inserting an italicized period.

Amend sec. 3, page 4, line 40, by deleting "*4.*" and inserting "*3.*".

Amend sec. 3, page 4, line 43, by deleting "*5.*" and inserting "*4.*".

Amend sec. 3, page 5, line 6, by deleting "*6.*" and inserting "*5.*".

Amend sec. 3, page 5, line 10, by deleting "*7.*" and inserting "*6.*".

Amend sec. 3, page 5, line 30, by deleting "*8.*" and inserting "*7.*".

Amend sec. 3, page 5, line 36, by deleting "*9.*" and inserting "*8.*".

Amend sec. 7, page 8, by deleting line 26 and inserting:

"484.3794 1. Except as otherwise provided in subsection 2, a".

Amend sec. 7, page 8, line 28, by deleting "[until] *before*" and inserting "before".

Amend sec. 7, page 8, line 30, after "abuse" by inserting: "*which is certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation*".

Amend sec. 7, page 8, line 31, by deleting "classified" and inserting "[classified] *diagnosed* ".

Amend sec. 7, page 8, line 32, by deleting "classification" and inserting: "[classification] *diagnosis*".

Amend sec. 7, page 8, line 35, by deleting "classification" and inserting "[classification] *diagnosis*".

Amend sec. 7, page 9, by deleting lines 3 through 19 and inserting:

"2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795;

(b) A homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(c) A violation of the law of any other jurisdiction which prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of the law of any other jurisdiction which prohibits the same or similar conduct as NRS 484.379 constitutes a violation of NRS 484.379.".

Amend sec. 7, page 9, line 20, by deleting "*5.*" and inserting "4.".

Amend sec. 7, page 9, line 25, by deleting "[3.] *6.*" and inserting "5.".

Amend sec. 7, page 9, by deleting lines 28 through 30 and inserting: "other information before [it.] *the court.*

6. If the court determines that an application for treatment should be granted, the court shall:".

Amend sec. 7, page 10, line 6, by deleting "[5.] *8.*" and inserting "7.".

Amend sec. 7, page 10, line 13, by deleting "[6.] *9.*" and inserting "8.".

Amend sec. 8, page 10, by deleting lines 16 and 17 and inserting:

"Sec. 8. 1. Section 4 of this act becomes effective at 12:01 a.m. on October 1, 1997.

2. Section 7 of this act becomes effective at 12:02 a.m. on October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to traffic laws; requiring an offender convicted of driving under the influence of alcohol or a controlled substance for the first time to be placed in a program of treatment for alcoholism or drug abuse under certain circumstances; requiring certain programs of treatment for alcoholism or drug abuse to be certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 501.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 501:

YEAS — 41.

NAYS — None.

Not voting — Goldwater.

Assembly Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 12.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Assembly Bill No. 12:
YEAS — 42.
NAYS — None.
Assembly Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 298.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 298:
YEAS — 38.
NAYS — Cegavske, Dini, Manendo, Sandoval — 4.
Assembly Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 330.
Bill read third time.
Remarks by Assemblymen Parks, Anderson and Amodei.
Roll call on Assembly Bill No. 330:
YEAS — 39.
NAYS — Anderson, Chowning, Collins — 3.
Assembly Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 12:46 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 639—An Act relating to traffic; authorizing a local authority to provide for the electronic observation and detection of certain traffic violations; authorizing a local authority to issue and serve a citation for such violations by mail; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblywoman Tiffany.

Roll call on Assembly Bill No. 469:

YEAS — 39.

NAYS — Cegavske, Gustavson, Krenzer — 3.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 497:

YEAS — 40.

NAYS — Collins, Price — 2.

Assembly Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 545 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Williams moved that Senate Bill No. 330 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 546.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 546:

YEAS — 41.

NAYS — Price.

Assembly Bill No. 546 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 557.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Assembly Bill No. 557:

YEAS — 42.

NAYS — None.

Assembly Bill No. 557 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 568.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Parks.

Conflict of interest declared by Assemblyman Parks.

Roll call on Assembly Bill No. 568:

YEAS — 41.

NAYS — None.

Not voting — Parks.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Tiffany.

Roll call on Assembly Bill No. 494:

YEAS — 42.

NAYS — None.

Assembly Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 72.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Senate Bill No. 72:

YEAS — 42.

NAYS — None.

Senate Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 75.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 706.

Amend section 1, page 1, line 7, after "healing," by inserting "that are".

Amend section 1, page 1, by deleting line 9 and inserting: "(b) Loss of earnings or support not to exceed $300 per week that is".

Amend section 1, page 1, line 10, by deleting "victim;" and inserting: "victim for not longer than 52 weeks;".

Amend section 1, page 1, line 12, by deleting "[which] *that*" and inserting "that".

Amend section 1, page 1, line 14, by deleting: "[Any other] *Another*" and inserting "Another".

Amend section 1, page 1, line 18, by deleting "[any] *a*" and inserting "a".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 158.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Senate Bill No. 158:
YEAS — 42.
NAYS — None.
Senate Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 170.
Bill read third time.
Remarks by Assemblywoman Cegavske.
Roll call on Senate Bill No. 170:
YEAS — 42.
NAYS — None.
Senate Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 349 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 171.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 171:
YEAS — 42.
NAYS — None.
Senate Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 205.
Bill read third time.
Remarks by Assemblyman Herrera.
Roll cail on Senate Bill No. 205:
YEAS — 42.
NAYS — None.
Senate Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 217.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 217:
YEAS — 42.
NAYS — None.
Senate Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 228.
Bill read third time.
Remarks by Assemblywoman Freeman.
Roll call on Senate Bill No. 228:
YEAS — 42.
NAYS — None.
Senate Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 320 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 18.
Resolution read third time.
Remarks by Assemblyman Hèrrera.
Roll call on Senate Joint Resolution No. 18:
YEAS — 40.
NAYS — Hettrick, Marvel — 2.
Senate Joint Resolution No. 18 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 115.
Bill read third time.
Remarks by Assemblywoman Evans.
Roll call on Senate Bill No. 115:
YEAS — 42.
NAYS — None.

Senate Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 296.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 296:

YEAS — 42.

NAYS — None.

Senate Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 349 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 55, 62, 71, 136, 213, 219, 226, 229, 236, 287, 327, 396; Senate Bills Nos. 265, 274, 344, 348, 353, 358, 359.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Kelli Nakagawara.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Therese McElhany, Clay McElhany and Fiona McElhany.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Elena Iatarola.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, June 24, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 1:27 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-SIXTH DAY

CARSON CITY (Tuesday), June 24, 1997

Assembly called to order at 11:19 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, yesterday we processed legislation involving child abuse, neglect and molestation. Today we honor outstanding schools in our state. We do these things because we care about children. May we always care about those who cannot help themselves. May the process itself never blind us from the people for whom you taught us to care. We pray in the Name of Your love. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bill No. 303; Senate Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 382, 401, 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 605; Senate Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 623; Senate Bills Nos. 74, 257, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 210; Senate Bills Nos. 31, 33, 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 222, 260, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 23, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 47, 309, 388, 412, 423, 431, 438, 439, 443, 444, 500.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 44, 129, 364.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 39.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 24, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution Nos. 55, 56, 57.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 349 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

By Assemblymen Goldwater, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 49—Commending the students, parents and coordinators who participated in the Odyssey of the Mind World Finals Competition.

WHEREAS, The Odyssey of the Mind Association was founded in 1978 and now draws students from 50 states and more than 30 countries to participate in the annual World Finals Competition; and

WHEREAS, The Odyssey of the Mind is a school-based program for students in kindergarten through college that combines creative thinking, teamwork and risk taking; and

WHEREAS, Each fall, teams of students from around the world take on challenges developed by Odyssey of the Mind and work together for months to develop solutions to these challenges; and

WHEREAS, Each team must create and present an 8-minute performance that interprets a problem and compete in a spontaneous brainstorming competition which challenges their ability to think quickly; and

WHEREAS, The annual competition fosters team spirit, creative problem solving and decision making while developing the self-confidence necessary to produce expert problem solvers; and

WHEREAS, The participation of the parents of these students through their financial, emotional and intellectual support is integral to the success of this highly competitive program; and

WHEREAS, This year 15 schools from the State of Nevada, representing our finest students, competed for top honors at the Odyssey of the Mind World Finals Competition; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th session of the Nevada Legislature do hereby commend the parents of

the participating students for their encouragement and support for this outstanding program; and be it further

RESOLVED, That the members of this body are especially proud of the hard work and devotion of the coordinators and participating students from the following schools:

1. From Alice Maxwell Elementary School, students Isidra Almaraz, Ben Brown, Cara Cudworth, Genna Drake, Mary Hery, Erin Smith and Laurie Steglich and coordinator Bob Huwe;

2. From Caughlin Ranch Elementary School, students Josh Coleman, Travis Coleman, Tom Fennell, Chris Lunsden, Jessica Pacheco and Michael Van Antwerp and coordinator Lisa Williams;

3. From David M. Cox Elementary School, students Joel Almas, Hester Dingle, Lindsay Egbert, Perry Palmer, Joelle Siino, Sean Smith and Katie Strickland and coordinator Michelle Smith;

4. From John C. Fremont Elementary School, students Deyon Anderson, Kenny Binder, Erika Crail, Jeremy Grunert, Ronnie Hansen, Madison Piazza and Abby Schultz and coordinator Dorothy Todd;

5. From Marion Earl Elementary School, students Brittany Anson, Jansen Bordenhao, Aaron Goodrich, Rebbecca Rowland and Amy Schlauder and coordinator Rich Rowland;

6. From Sage Elementary School, students Jacob Miller, Daniel Reule, Michael Reule, Arlo Swallow, Franklin Wilkerson and Jared Wilkerson and coordinator Kathy Balliet;

7. From Sarah Winnemucca Elementary School, students Blake Elliott, Laura Makoba, Martin Markee, Ryan Martin, Ainsley McPherson and Adam Van Antwerp and coordinator Donna Schultz;

8. From Westergard Elementary School, students Clifton Miller and Tina Schweitzer and coordinator Donna Shultz;

9. From Hyde Park Middle School, students Lindsay Demaree, April Francisco, Diane Kopliopith, Judy Kresyman, Eric Patti, Christel Stewart and Matt Taite and coordinators Jim Patti and Lucy Phillips;

10. From Kingsbury Middle School, students Steven Cheatham, Justin Darrow, Randy Gittleman, Jenna Hayes, Michael Kamorowski, Kyle Olson and James Rastello and coordinator Kathleen Boudreau;

11. From Edward C. Reed High School, students Allen Bai, Mike Friend, Joshua Jackson, Sean Keely and Jody Williams and coordinator Brad Hayes;

12. From Incline High School, students Bryce Burdick, Marshall Clyde, Allison Hilborn, Sam Hilborn, Sadie Rose Schunning, Charlie Wagner and Lee Welsch and coordinator Sue Welsch;

13. From Spring Creek High School, students Bryce Armstrong-Nelson, Corbin McFarlane, Blake Metz, Jeremy Schoen, Ray Smith and Scott Wurth and coordinator Kathy Balliet; and

14. From Sierra Nevada College, students Brad Barton, Matt Biscarret, Dawn Grabowski, LaMonte Lamoureux, Crosbie Ronning and Lisa Smith and coordinator Sue Welsch; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each of the coordinators from the participating schools in the State of Nevada who coached the students in the Odyssey of the Mind World Finals Competition.

Assemblyman Goldwater moved the adoption of the resolution.

Remarks by Assemblyman Goldwater.

Resolution adopted.

By Assemblymen Dini and Perkins:

Assembly Resolution No. 15—Amending the Standing Rules of the Assembly by adding a member to the Standing Committee on Ways and Means.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Rule No. 40 of the Standing Rules of the Assembly as adopted for the 69th session of the Legislature is hereby amended to read as follows:

40

Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, [fourteen] *fifteen* members.
2. Judiciary, fourteen members.
3. Taxation, eleven members.
4. Education, eleven members.
5. Elections, Procedures, and Ethics, nine members.
6. Natural Resources, Agriculture, and Mining, eleven members.
7. Labor and Management, nine members.
8. Transportation, nine members.
9. Commerce, eleven members.
10. Health and Human Services, ten members.
11. Government Affairs, fourteen members.
12. Infrastructure, eleven members.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Resolution adopted.

Senate Concurrent Resolution No. 39.

Resolution read.

Assemblywoman Lambert moved the adoption of the resolution.

Remarks by Assemblywoman Lambert.

Resolution adopted.

Senate Concurrent Resolution No. 55.

Resolution read.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted.

Senate Concurrent Resolution No. 56.

Resolution read.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted.

Senate Concurrent Resolution No. 57.

Resolution read.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblywoman Ohrenschall.

Resolution adopted.

Mr. Speaker announced the appointment of Assemblyman Perkins as an additional member to the Committee on Ways and Means.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Perkins (by request):

Assembly Bill No. 640—An Act relating to radiation; exempting certain law enforcement agencies and fire protection districts from regulation by the health division of the department of human resources in certain uses of radiation; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 641—An Act relating to motor vehicles; revising the provisions governing certain fees paid to the department of motor vehicles and public safety concerning the control of emissions from motor vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 642—An Act relating to offenders; increasing the minimum fee that a parolee or probationer is required to pay to defray the cost of supervision; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 643—An Act relating to railroads; reapportioning certain costs of grade separation and crossings; imposing strict liability for death or injury in certain cases; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 644—An Act relating to taxation; changing various provisions concerning the assessment of property for the purposes of imposing property taxes; revising various provisions governing the duties and immunities of county assessors; requiring payment of deferred taxes for agricultural land before recording of a final map for a subdivision; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 792.

Amend section 1, page 2, by deleting lines 39 through 41 and inserting:

"(a) ["Child care facility" means an establishment] *"Children's facility" includes a child care facility* licensed pursuant to chapter 432A of NRS [to provide care for 13 or more children.] *or an enclosed building or any portion of an enclosed building in which:*".

Amend section 1, page 2, line 44, after "*is;*" by inserting "*or* ".

Amend section 1, page 3, by deleting line 1.

Amend section 1, page 3, line 2, by deleting "*(5)*" and inserting "*(4)*".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 5 as sections 2 through 4.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 96, 585, 590, 599; Senate Bill No. 75 be placed on the General File.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 353 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 248.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 772.

Amend section 1, pages 1 and 2, by deleting lines 3 through 19 on page 1 and line 1 on page 2 and inserting:

"*1. Except as otherwise provided in subsection 2, an employer who, at the request of an employee, discloses information regarding:*

(a) The ability of the employee to perform his job;

(b) The diligence, skill or reliability with which the employee carried out the duties of his job; or

(c) An illegal or wrongful act committed by the employee,

to a prospective employer of that employee is immune from civil liability for such disclosure and its consequences.

2. An employer is not immune from civil liability for a disclosure made pursuant to subsection 1 or for the consequences of a disclosure made pursuant to subsection 1 if the employer:

(a) Acted with malice or ill will;

(b) Disclosed information that he believed was inaccurate;

(c) Disclosed information which he had no reasonable grounds for believing was accurate;

(d) Recklessly or intentionally disclosed inaccurate information;

(e) Deliberately disclosed misleading information; or

(f) Disclosed information in violation of a state or federal law or in violation of an agreement with the employee.".

Amend the title of the bill, fourth and fifth lines, by deleting: "creating a rebuttable presumption that such information is provided in good faith;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 773.

Amend section 1, page 2, line 3, by deleting: "*district attorney, or the attorney general*" and inserting "*prosecuting attorney*".

Amend section 1, page 2, line 6, by deleting "*felony;*" and inserting: "*felony or gross misdemeanor;*".

Amend section 1, page 2, by deleting lines 9 through 13 and inserting: "*without prejudice to the right to file another complaint, unless the State of Nevada has previously filed a complaint against the defendant which was dismissed at the request of the prosecuting attorney. After the dismissal, the court shall order the defendant released from custody or, if he is released on bail, exonerate the obligors and release any bail.*

6. If a prosecuting attorney files a subsequent complaint after a complaint concerning the same matter has been filed and dismissed against the defendant:

(a) The case must be assigned to the same judge to whom the initial complaint was assigned; and

(b) A court shall not issue a warrant for the arrest of a defendant who was released from custody pursuant to subsection 5 or require a defendant whose bail has been exonerated pursuant to subsection 5 to give bail unless the defendant does not appear in court in response to a properly issued summons in connection with the complaint.

7. The [district attorney of any county] *prosecuting attorney in a case*".

Amend section 1, page 2, lines 18 and 19, by deleting: "*district attorney or attorney general*" and inserting "*prosecuting attorney*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 453.

Bill read second time and ordered to third reading.

Assembly Bill No. 578.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 784.

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

"Sec. 18.5. Chapter 684A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The commissioner may issue a limited license to an adjuster licensed in an adjoining state who has contracted with a domestic insurer that has its principal place of business in this state to adjust and pay claims on business

written in this state. A limited license issued pursuant to this section is valid for 3 years or the term of the contract between the adjuster and domestic insurer, whichever is shorter.

2. An adjuster who holds a limited license issued pursuant to this section may adjust claims in this state only pursuant to his contract with the domestic insurer.

3. A domestic insurer who contracts with an adjuster to whom a limited license has been issued pursuant to this section shall maintain in its principal place of business in this state the records of its closed files upon which the adjuster worked.

4. Notwithstanding the provisions of NRS 684A.170, an adjuster who is issued a limited license pursuant to this section is not required to maintain an office or place of business in this state.".

Amend sec. 19, page 14, by deleting line 24.

Amend sec. 19, page 14, line 26, by deleting "*state.*" and inserting: "*state; or*

(c) An adjuster who is applying for a limited license pursuant to section 18.5 of this act.".

Amend the bill as a whole by adding a new section designated sec. 22.5, following sec. 22, to read as follows:

"Sec. 22.5. NRS 687B.385 is hereby amended to read as follows:

687B.385 An insurer shall not cancel, refuse to renew or increase the premium for renewal of a policy of [casualty or property] *motor vehicle* insurance *covering private passenger cars or commercial vehicles* as a result of any claims made under the policy with respect to which the insured was not at fault.".

Amend the title of the bill, eighth line, after "capital;" by inserting: "prohibiting the cancellation, refusal to renew or increase of premiums for the renewal of certain policies of automobile liability insurance under certain circumstances; authorizing the issuance of limited licenses for adjusters;"

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 589.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 725.

Amend section 1, page 1, line 5, by deleting "*indicate*" and inserting "*recognize*".

Amend section 1, page 1, line 10, by deleting "*indicate*" and inserting "*recognize*".

Amend section 1, page 1, line 12, after "*by a*" by inserting "*qualified*".

Amend section 1, page 1, line 16, by deleting "*indicate*" and inserting "*recognize*".

Amend section 1, page 1, line 18, by deleting "*indicate*" and inserting "*recognize*".

Amend section 1, page 2, line 2, by deleting "*indicate*" and inserting "*recognize*".

Amend section 1, page 2, by deleting lines 4 through 7 and inserting: "*department, provides reasonable proof of the identity of the applicant and proof of his current employment as a professional firefighter or his status as a retired professional firefighter. Such documentation may include, but is not limited to:*

(a) An identification card which indicates that the applicant is currently employed as a professional firefighter or is currently a member of a firefighters' union; or

(b) Evidence of his former employment as a professional firefighter.".

Amend section 1, page 2, line 8, by deleting "*indicate*" and inserting "*recognize*".

Amend section 1, page 2, line 11, by deleting "*$20*" and inserting "*$10*".

Amend section 1, page 2, between lines 21 and 22, by inserting:

"*6. As used in this section, "retired professional firefighter" means a person who retired from employment with a fire department within this state after completing at least 10 years of creditable service as a firefighter within this state.*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 608.

Bill read second time.

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

Amendment No. 789.

Amend section 1, page 2, by deleting lines 9 through 11 and inserting: "*employee of the department may represent himself or be represented by any person of the employee's own choosing.*".

Amend the title of the bill by deleting the second and third lines and inserting: "employee of a department by a person of the employee's own choosing at a hearing or other proceeding conducted by the civil service board of the".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 645.

Amend sec. 8, page 8, by deleting lines 1 and 2.

Amend sec. 8, page 8, line 3, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 8, page 8, line 5, by deleting "*(e)*" and inserting "*(d)*".

Amend sec. 8, page 8, line 9, by deleting "*(f)*" and inserting "*(e)*".

Amend sec. 8, page 8, line 14, by deleting "*(g)*" and inserting "*(f)*".

Amend sec. 8, page 8, line 15, by deleting "*(h)*" and inserting "*(g)*".

Amend sec. 8, page 8, line 20, by deleting "*(i)*" and inserting "*(h)*".

Amend sec. 14, page 11, line 20, by deleting "*July*" and inserting "*October*".

Amend sec. 14, page 11, by deleting line 23 and inserting: "*residence which indicates that he:*".

Amend sec. 14, page 11, line 24, after "*not* " by inserting: "*, on or after October 1, 1997,*".

Amend sec. 14, page 11, line 27, after "*not* " by inserting: "*, on or after October 1, 1997,*".

Amend sec. 41, page 22, line 4, by deleting "*1.*".

Amend sec. 41, page 22, by deleting lines 6 through 11 and inserting: "may , [arrest the probationer or,] by a written authority endorsed on a certified copy of the undertaking, [may empower a person of suitable age and discretion to do so.] *cause the probationer to be arrested by a bail agent or bail enforcement agent who is licensed pursuant to chapter 697 of NRS.*".

Amend sec. 42, page 22, line 13, by deleting "*1.*".

Amend sec. 42, page 22, by deleting lines 15 through 21 and inserting: "discharged, and at any place within the state, may , [themselves arrest him, or] by a written authority [,] endorsed on a certified copy of the undertaking, [may empower any person of suitable age and discretion to do so.] *cause the defendant to be arrested by a bail agent or bail enforcement agent who is licensed pursuant to chapter 697 of NRS.*".

Amend sec. 47, page 22, line 35, by deleting "July" and inserting "October".

Amend the bill as a whole by deleting sec. 48.

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Assemblyman Perkins moved that Senate Bill No. 194 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Ways and Means.

Senate Bill No. 248.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 584.

Amend section 1, page 1, line 2, by deleting "6," and inserting "6.5,".

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

"Sec. 6.5. *1. Except as otherwise provided in subsection 3, all fees, penalties and fines received by the division pursuant to the provisions of sections 2 to 6.5, inclusive, of this act must be deposited with the state treasurer for credit to the division. The money must be used by the division for the administration of the provisions of sections 2 to 6.5, inclusive, of this act.*

2. The division may delegate to a hearing officer or panel its authority to take any disciplinary action against property managers, impose and collect fines pursuant to the disciplinary action and deposit the money with the state treasurer for credit to the division.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2, the division shall deposit the money collected from the imposition of penalties and fines collected from property managers with the state treasurer for credit to the state general fund. The division may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay an attorney's fee or the costs of an investigation, or both.".

Amend sec. 8, page 4, between lines 3 and 4, by inserting:

"3. The term does not include a person who is employed by a licensed real estate broker to accept reservations on behalf of a person engaged in the business of the rental of lodging for 31 days or less, if the employee does not perform any tasks related to the sale or other transfer of an interest in real estate.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 346.

Bill read second time and ordered to third reading.

Senate Bill No. 406.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 342.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 653.

Amend the bill as a whole by deleting sections 1 through 5, renumbering sections 6 and 7 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 212 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 213.400, a person who has been arrested for, charged with or convicted of a felony or a gross misdemeanor, who is being supervised electronically pursuant to such an arrest, charge or conviction and who:

(a) Is absent or attempts to be absent from his residence, employment or other activity authorized by the supervising agency without authorization; or

(b) Removes or disables or attempts to remove or disable the electronic device used to supervise the person,

is guilty of a gross misdemeanor.

2. A person who has been arrested for, charged with or convicted of a misdemeanor, who is supervised electronically pursuant to such an arrest, charge or conviction and who:

(a) Is absent or attempts to be absent from his residence, employment or other activity authorized by the supervising agency without authorization; or

(b) Removes or disables or attempts to remove or disable the electronic device used to supervise the person,

is guilty of a misdemeanor.

3. In addition to any other penalty, the court shall order the person to pay restitution for any damage to or loss of the electronic device used to supervise the person.

4. A sentence imposed pursuant to this section must run consecutively with the sentence imposed for the original offense.

Sec. 2. NRS 213.400 is hereby amended to read as follows:

213.400 *1.* If an offender is absent, without authorization, from his residence, employment, treatment or other activity authorized by the division [:

1. He] , *he* shall be deemed an escaped prisoner [;] and *shall be punished as provided in NRS 212.090.*

2. The chief parole and probation officer may issue a warrant for [his arrest. A peace officer shall execute] the *arrest of the offender. The* warrant *must be executed by a peace officer* in the same manner as ordinary criminal process.".

Amend the title of the bill, second line, after "supervision;" by inserting: "clarifying the penalty for certain felons who are on residential confinement and are absent without authorization;".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing electronic supervision. (BDR 16-1177)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 96.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 96:

YEAS — 42.

NAYS — None.

Assembly Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 585.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 585:

YEAS — 42.

NAYS — None.

Assembly Bill No. 585 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 590.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 590:

YEAS — 42.

NAYS — None.

Assembly Bill No. 590 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 599.

Bill read third time.

Remarks by Assemblymen Manendo and Gustavson.

Roll call on Assembly Bill No. 599:

YEAS — 42.

NAYS — None.

Assembly Bill No. 599 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 221.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 221:

YEAS — 42.

NAYS — None.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 255.

Bill read third time.

Remarks by Assemblywoman Braunlin.

Roll call on Senate Bill No. 255:

YEAS — 39.

NAYS — None.

Not voting — Collins, Lambert, Sandoval — 3.

Senate Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 75.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Senate Bill No. 75:

YEAS — 42.

NAYS — None.

Senate Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 24, 350, 363.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 24.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 350.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 363.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 84.

The following Senate amendment was read:

Amendment No. 538.

Amend sec. 2, page 1, by deleting lines 12 through 14 and inserting:

"217.020 As used in NRS 217.010 to 217.270, inclusive, [and] sections 3 and 4 of [this act,] *Assembly Bill No. 110 of this session and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 217.025 to 217.070, inclusive, and section 3 of [this act] *Assembly Bill No. 110 of this session* have the meanings ascribed to them in".

Amend sec. 3, page 2, by deleting lines 9 through 14 and inserting: "NRS 484.3795; [or]

5. *A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484.219; or*

6. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1).

The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.".

Amend sec. 6, page 3, by deleting lines 28 through 38 and inserting:

"(b) Was not a citizen of the United States or was not lawfully entitled to reside in the United States at the time the incident upon which the claim is based occurred or he is unable to provide proof that he was a citizen of the United States or was lawfully entitled to reside in the United States at that time;

(c) Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries;

(d) Was not a resident at the time he was victimized, unless he was injured in this state and the board determines that the State of Nevada has a sufficient amount of money to pay for the claim from money received from the Federal Government for the compensation of victims of crime; [or]

(e) *Was injured or killed while serving a sentence of imprisonment in a prison or jail;*

(f) Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to chapter 62 of NRS; or

(g) Fails to cooperate with law enforcement agencies. Such cooperation".

Amend sec. 6, page 4, by deleting lines 3 through 6 and inserting: "continuing relationship may be awarded compensation if the offender would not profit by the compensation of the victim.".

Amend sec. 6, page 4, by deleting lines 15 through 20.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 84.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 97.

The following Senate amendment was read:

Amendment No. 578.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

"*1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault or a person authorized to act on behalf of a victim of a sexual assault files with a law enforcement officer a written report concerning the sexual assault, the period of limitation*

prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault must be commenced.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. If a victim of a sexual assault is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in 171.085 and 171.095.

4. For the purposes of this section, a victim of a sexual assault is under a disability if the victim is insane, mentally retarded, mentally incompetent or in a medically comatose or vegetative state.

5. As used in this section, "law enforcement officer" means:

(a) A prosecuting attorney;

(b) A sheriff of a county or his deputy;

(c) An officer of a metropolitan police department or a police department of an incorporated city; or

(d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.".

Amend sec. 2, page 1, by deleting lines 7 through 9 and inserting:

"171.085 Except as *otherwise* provided in NRS 171.095 [,] *and section 1 of this act,* an indictment for:

1. Theft, robbery, burglary, forgery, arson or sexual assault".

Amend sec. 3, page 1, line 16, after "in" by inserting: "*section 1 of this act and*".

Amend sec. 3, page 2, line 8, by deleting: "*except sexual assault pursuant to NRS 200.366,*".

Amend the title of the bill to read as follows: "An Act relating to criminal procedure; revising the provisions relating to the time within which a prosecution for sexual assault must be commenced; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to time within which prosecution for sexual assault must be commenced. (BDR 14-364)".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 97.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 148.

The following Senate amendment was read:

Amendment No. 734.

Amend section 1, page 2, line 1, by deleting "*trust*".

Amend sec. 2, page 3, by deleting lines 14 through 20 and inserting:

"118B.215 1. There is hereby created as a special revenue fund in the state treasury the fund for low-income owners of mobile homes, to be administered by the division. All money received for the use of the fund pursuant to NRS 118B.213 or from any other source must be deposited in the fund.

2. The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. All claims against the fund must be paid as other claims against the state are".

Amend sec. 2, page 3, line 22, by deleting "trust".

Amend sec. 2, page 3, line 25, by deleting "trust".

Amend sec. 2, page 4, line 2, by deleting "trust".

Amend sec. 2, page 4, line 18, by deleting "trust".

Amend the title of the bill by deleting the third through sixth lines and inserting: "increase that affects a tenant who receives assistance from the fund for low-income owners of mobile homes; requiring a tenant to be the registered owner of a mobile home to be eligible for assistance from the fund; expanding eligibility for assistance from the fund to include persons who are registered owners of ".

Amend the summary of the bill, first line, by deleting "trust".

Assemblyman Perkins moved that the Assembly concur in the Senate amendment to Assembly Bill No. 148.

Remarks by Assemblyman Perkins.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 617.

Amend the bill as a whole by renumbering sec. 18 as sec. 22 and adding new sections designated sections 18 through 21, following sec. 17, to read as follows:

"Sec. 18. Section 1 of Senate Bill No. 207 of this session is hereby amended to read as follows:

Section 1. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 and section 1 of [this act] *Assembly Bill No. 39 of this session,* if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than [17] *18* years of age, order [the] *:*

(1) The parent, guardian or custodian of the child [, and any brothers, sisters] *; and*

(2) Any brother, sister or other [persons] *person who is* living in the same household as the child over whom the court has jurisdiction *,* to attend or participate in counseling, [alone or together] with *or without* the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse *,* or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's

license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit

from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. At any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 19. Section 11 of Senate Bill No. 102 of this session is hereby amended to read as follows:

Sec. 11. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 and section 1 of Assembly Bill No. 39 of this session, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction,

to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance

at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. [At] *Except as otherwise provided in section 7 of this act, at* any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 20. Section 1 of Senate Bill No. 277 of this session is hereby amended to read as follows:

Section 1. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 and section 1 of Assembly Bill No. 39 of this session, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction,

to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in

the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

(m) If the child has not previously been found to be within the purview of this chapter and if the act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or violence, order the child to participate in a publicly or privately operated program of sports or physical fitness. If the court orders the child to participate in such a program, the court may order any or all of the following, in the following order of priority if practicable:

(1) The parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;

(2) The child to work on projects or perform public service pursuant to paragraph (i) for a period that reflects the costs associated with the participation of the child in the program; or

(3) The county in which the petition alleging the child to be delinquent or in need of supervision is filed to pay the costs associated with the participation of the child in the program.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the

victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. Except as otherwise provided in section 7 of [this act,] *Senate Bill No. 102 of this session,* at any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 21. Section 4 of Senate Bill No. 277 of this session is hereby amended to read as follows:

Sec. 4. Section 1 of this act becomes effective at 12:03 a.m. on October 1, 1997.".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 176.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 315.

The following Senate amendment was read:

Amendment No. 627.

Amend section 1, page 1, by deleting lines 2 through 8 and inserting:

"176.245 [Every defendant:

1. Whose probation has been revoked; or

2. Whose] *A defendant whose* term of probation has expired [, and:

(a)] *and:*

1. Whose whereabouts are unknown;

[(b)] *2.* Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

[(c)] *3.* Who has otherwise failed to qualify for an honorable discharge as".

Amend the title of the bill, second line, by deleting "discharge;" and inserting: "discharge under certain circumstances;".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 315.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 386.

The following Senate amendment was read:

Amendment No. 711.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

"*1. A court clerk may accept a complaint filed pursuant to this chapter that is filed electronically. A complaint that is filed electronically must contain an image of the signature of the prosecuting attorney.*

2. If a court clerk accepts a complaint that is filed electronically pursuant to subsection 1, the court clerk shall acknowledge receipt of the complaint by an electronic time stamp and shall electronically return the complaint with the electronic time stamp to the prosecuting attorney. A complaint that is filed and time-stamped electronically pursuant to this section may be converted into a printed document and served upon a defendant in the same manner as a complaint that is not filed electronically.".

Amend sec. 2, page 1, by deleting lines 8 through 10 and inserting:

"*1. A court clerk may accept an information filed pursuant to this chapter that is filed electronically. An information that is filed electronically must contain an image of the signature of the prosecuting attorney.*

2. If a court clerk accepts an information that is filed electronically pursuant to subsection 1, the court clerk shall acknowledge receipt of the information by an electronic time stamp and shall electronically return the information with the electronic time stamp to the prosecuting attorney. An information that is filed and time-stamped electronically pursuant to this section may be converted into a printed document and served upon a defendant in the same manner as an information that is not filed electronically.".

Amend the bill as a whole by renumbering sections 3 through 7 as sections 4 through 8 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Chapter 62 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A court clerk may allow any of the following documents to be filed electronically:

(a) A petition prepared and signed by the district attorney pursuant to NRS 62.128 or 62.130;

(b) A document relating to proceedings conducted pursuant to NRS 62.193; or

(c) A study and report prepared pursuant to NRS 62.197.

2. Any document that is filed electronically pursuant to this section must contain an image of the signature of the person who is filing the document.".

Amend sec. 3, page 1, line 12, by deleting: "4 to 7," and inserting: "5 to 8,".

Amend sec. 4, page 2, line 1, by deleting: "*4 to 7,*" and inserting: "*5 to 8,*".

Amend sec. 6, page 2, line 19, by deleting "*5* " and inserting "*6* ".

Amend the bill as a whole by renumbering sec. 8 as sec. 10 and adding a new section designated sec. 9, following sec. 7, to read as follows:

"Sec. 9. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A court clerk may allow any of the following documents to be filed electronically:

(a) A petition signed by the district attorney pursuant to NRS 432B.510; or

(b) A report prepared pursuant to NRS 432B.540.

2. Any document that is filed electronically pursuant to this section must contain an image of the signature of the person who is filing the document.".

Amend sec. 8, page 2, line 33, by deleting "6" and inserting "7".

Amend the title of the bill by deleting the second through fourth lines and inserting: "complaints and informations and certain other documents that are filed electronically; requiring such documents to contain an electronic image of the signature of the person filing the document; authorizing a public agency to use and accept electronic symbols as a".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 386.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

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

Remarks by Assemblyman Anderson.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Koivisto, Herrera and Sandoval as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 80.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 47; Senate Bills Nos. 335, 366, 369, 370, 407, 408; Senate Joint Resolution No. 14; Senate Concurrent Resolution No. 52.

REMARKS FROM THE FLOOR

Assemblyman Anderson requested that his remarks be entered in the Journal.

I would like to present to the legislature today a quilt that was created during the last session. It is called "In Bed With The Legislature," and I want you all to know that these ladies did not create the name for this.

The quilt was made by the Carson City Family and Community Education Group and has all the signatures of the 68th session legislators and the executive branch. It was made as a fund raiser for the group's educational programs and was raffled off on Nevada Day in 1995. Irene Davis, Assemblyman Brian Sandoval's secretary, was the lucky winner. She's the lovely lady on my right. You may remember having signed the quilt—I know I surely do.

The quilters who made this great work of Nevada history are Jasmine Shackley, the lovely lady on the left, who is Assemblywoman Sandi Krenzer's secretary; Carol Payne; Elsie Dupree; Barbara Nelis; Jean Pici; Pauline Ebersold; Susan Morning; and Kay Vaughn. The quilt has been displayed at quilt shows in Nevada and California, and the group has raised a little over $500 with it.

This quilt will be on display for the remainder of the session in my office, Room 3127, on the third floor. We want to make sure that everyone has an opportunity to see it. The quilt will be displayed in such a fashion that you should be able to find your name on it. Please join me in thanking these lovely ladies for allowing me to display the quilt and for the construction of the quilt.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Longero.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Cara Basso.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Collins.

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Andres.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Benitez.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Pendery Clark, Pauline Moley, Betsy Palmer, Pam Gilmartin, Linda Class, Liz Holland-Jones, Whitney Biaggi, Will Whipple, Danielle Gurzi, Shelly Guzman, Sean Thaler, Kirk Remer, Matt Lee, Patty Knutson, Christina Bradshaw, Travis Clanton, Ellie Keene, Rickey Hoskin, Cheryl Nicoll, Steven Jackson, Colleen McConnell, Summer Carter, Jessica Weisser, Curtis Hohenstein, Michelle Paterson, Nate Walsh, Cody Krueger, Matthew Sell, Andy Weiss-Berg, Jessie Kizer, Amber Dimmitt, Kody Kiltz, Jason Altig, Jenna Barron, Sam Huff, Heather Williams, Brian Dixon, Lisa Raker, Karl Bingel, Cassandra Calvillo, Megan Crowe, Kaitlyn White and Dustin Valdes.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to John Blackmon and Arvind Menon.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Annie Gardner.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Ober, Hope Gosstin and Gertie Schiller.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Ryan, Wayne Howard, Judy Howard, David Thomas, Sue Howard, Bonnie Ryan, Bill Gillen, Austin Clark, Kelly Clark, Denny Howard, Debbie Kopp, Sandra Allen, Robert Holm, Peter Binhack, Byron Clark, Peggy Clark, Heather Copp, Dale Ryan, Peter Kwoka and Grant Birmingham.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, June 25, 1997 at 11 a.m.

Motion carried.

Assembly adjourned at 12:49 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-SEVENTH DAY

CARSON CITY (Wednesday), June 25, 1997

Assembly called to order at 11:31 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Our Lord God, as this makes our ninety-fifth Legislative day, some of our legislators seem to be praying the words of King David. My soul is greatly dismayed; but Thou, O Lord - how long? Help us to be encouraged by the prophet Isaiah. Though youths grow weary and tired, and vigorous young men stumble badly, yet those who wait for the Lord will gain new strength; They will mount us with wings like eagles; They will run and not get tired; They will walk and not become weary. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 363, 498, 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 70, 581, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 337, 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Infrastructure, to which was referred Assembly Bill No. 566, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 580, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bill No. 405; Senate Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Taxation.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 268, 606; Senate Bills Nos. 177, 183, 184, 185, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 82, 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 435, 458, 477.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 69, 117, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 49.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 230.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Joint Resolution No. 21—Expressing to Congress the displeasure of the Nevada Legislature with certain provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

WHEREAS, During this, the 69th session of the Nevada Legislature, the elected representatives of the residents of the State of Nevada have worked diligently to enact legislation that will conform state laws to the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and

WHEREAS, The Nevada Legislature has addressed welfare reform in a number of legislative measures this session, most comprehensively in Assembly Bill No. 401, and has listened to testimony by the many persons who will be affected by these reforms; and

WHEREAS, The federal welfare reform law may impede the ability of the states to use their "maintenance of effort" dollars to provide the programs necessary to meet the unique needs of those people being affected by reform of the welfare system; and

WHEREAS, There will be critical consequences to the efforts by states to implement and maintain the mandated welfare reforms in the event of a sharp and unexpected downturn in the economic health of the nation or of individual states; and

WHEREAS, There are many technical errors in the federal welfare reform act which will impede the efforts of the states in carrying out the mandates regarding welfare reform; and

WHEREAS, The Nevada Legislature has serious concerns about many specific provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, including:

1. The lack of exceptions in the work participation requirements and the child care provisions for a single parent or custodial parent of a disabled child who is over the age of 6 years;

2. The issue of the right to a jury trial in paternity cases which has been viewed by many as an encroachment by the Federal Government on the due process rights of its citizens;

3. The infringement of states' rights by the Federal Government by enacting laws that appear to require the State of Nevada to amend its constitution to comply with such laws;

4. The requirement of personal identification by social security number for purposes unrelated to programs of the Social Security Administration;

5. That certain requirements in the welfare reform act may violate the 5th, 7th, 9th and 10th amendments to the United States Constitution; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature urges Congress to ensure that states have the broadest possible guidelines for expenditures of "maintenance of effort" dollars to create successful programs that will meet the unique needs of the most vulnerable families, reduce welfare dependency and increase self-sufficiency, while remaining consistent with the economy of each state; and be it further

RESOLVED, That Congress is encouraged to support restoration of the $2 billion contingency fund to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, by inclusion in the Welfare Reform Technical Corrections Act of 1997, pursuant to the bipartisan agreement reached in 1996 that both the federal and state governments should share the cost of meeting increased needs during periods of economic downturn and hardship and allow states access to the fund during those times; and be it further

RESOLVED, That Congress is urged to pass the Welfare Reform Technical Corrections Act of 1997 as soon as possible to prevent any impediment to the efforts of the Nevada Legislature to carry out the federal mandates to the states regarding welfare reform; and be it further

RESOLVED, That the Federal Government recognize and honor the rights retained by the states and the individual rights of her citizens as guaranteed by the United States Constitution.

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Department of Health and Human Services and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblyman Anderson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Giunchigliani, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 50—Urging the Clark County School District to name a school after former Legislator Marvin M. Sedway.

WHEREAS, Marvin M. Sedway, a highly respected and sagacious former member of the Nevada Legislature, believed that a decent society is obligated to provide a superior education for its children; and

WHEREAS, Marvin Sedway carried an unshakable belief in the power of education and fought to make the education of children a top priority of our government; and

WHEREAS, The poster displayed in Marvin Sedway's office, which read "It will be a great day when our schools get all the money they need and the Air Force has to hold a bake sale to buy a bomber," illustrated his commitment to education; and

WHEREAS, Marvin Sedway's unflagging efforts to help the poor, the homeless, the elderly and all those with little power in our society gained him broad respect in the Legislature and throughout the state; and

WHEREAS, Marvin Sedway was a man of uncommon distinction who made certain he made a difference in the lives of the people of the State of Nevada; and

WHEREAS, The people of the State of Nevada will long remember Marvin Sedway for his compassion, drive and valuable public service; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th session of the Nevada Legislature do respectfully urge the Clark County School District to honor a distinguished Nevadan, Marvin M. Sedway, by naming a school after him; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the Board of Trustees of the Clark County School District.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Anderson, Dini, Bache, Price, Arberry, Evans, Carpenter, Freeman and Marvel.

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

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Madam Speaker pro Tempore. For those of you who never had the experience of meeting Marvin, you don't know what you were missing. Marvin was not only my friend, but my hero because he believed in trying to make a difference in the lives of the elderly, children, and families. I believe all of us ran for office to do that type of thing, but it is rare that you have an individual who is capable of articulating it in such a manner as Marvin did, not only through his commitment as Ways and Means chair, but sometimes with vivid imagination. He once threw a nickel across the floor saying, "All the property tax that goes to children is a lousy nickel." He had the capability of emphasizing his words with action that many of us don't always have the opportunity to do.

This resolution does nothing more than ask the Clark County School District to recognize an individual who for years gave of himself from his profession. It's not something that he "hyped." He voluntarily paid for all eye exams not only for the children that were housed at the Helen J. Stewart facility, but for any child that needed it within the southern Nevada area, and not because someone told him to do so. This is not something you would have read on his resumé. That was the type of individual that Marvin was.

We are naming schools right and left after many individuals that are very well deserving, but there are very few that have demonstrated not only commitment and public service, but have also actually done something within their community, and Marvin did. The purpose of this resolution is to ask the Clark County School District to at least entertain this type of recognition.

I would like to introduce Kim Sedway, Marv's best friend and wife, and thank her for being here today. I'm sure many of you will have other stories to share with us about Marvin.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I wish to rise in support of ACR 50. The naming of schools after individuals is a controversial topic in my county, but I think that there is a really strong reason to do so. It demonstrates to children that the average person makes a difference. A person like Marvin Sedway in no way can be classified as average, other than that he cared for the average men, women and children of this state.

For all of us who knew and loved Marvin Sedway, he is not going to go away. We'll always remember the humor of Marvin sitting here in the chamber and accidentally setting his beard on fire; listening to him passionately advocate on behalf of the children that he believed should come first. Occasionally, I had the opportunity to disagree with Marvin, and it's probably in disagreement with a person that you find their true mettle. You knew what he stood for and that he was never going to give an inch on the thing first in his heart, the kids of this state.

I think that having a school named for Marvin is very appropriate, much more so even than the legislative building that stands across the street, which is another monument to Marvin's efforts to change our state and provide us with a vision for the future.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I must rise in support of this resolution. Marvin and I became great friends. In 1987, I made Marvin chairman of the Committee on Ways and Means, and we developed a great friendship. As I recollect, a bunch of people came up to me afterwards and said, "How could you appoint him to be chairman of Ways and Means? You're extreme opposites." Marvin was progressive and stood for a lot of things that weren't popular in a rural county, such as mining, but he was interested in taking care of the state's problems. It didn't make any difference if it was Elko, Yerington, or Las Vegas.

When it came to efforts to help the kids of our state, Marvin was behind them one hundred percent, I think it would be very fitting that the Clark County School District name a school after him.

ASSEMBLYMAN BACHE:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of this resolution. I got to know Marvin around 1982 through his various campaigns. I worked for Marvin on a number of his campaigns and found Marvin to be truly one of the most compassionate, dedicated human beings that I've had the pleasure to know. Because of Marvin's untimely passing, I did not have the pleasure of serving with him in this body. It would have been a truly wonderful experience.

I look forward to seeing a Clark County school named after Marvin, and hopefully I, as a teacher, will be able to work there at some point in time.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I, too, had the pleasure of serving with Marvin. In addition to his passionate care for the children and people of this state, he was an excellent chairman and an excellent legislator.

Marvin and I used to park next to each other. I had my antique Ford and he had his old Rolls Royce. One day the press had been taking pictures of our automobiles, and they thought they would get on Marvin about driving an old Rolls Royce. Marvin said to them, "Well, I had it when I came here, not after I got here, so you better talk to some other people."

Up until Marvin came here, mining had not been very active in the legislature other than business regarding regular mining operations and net proceeds of mines. Marvin thought that they should participate a little more in state activities, so he introduced a bill which could have been—if my memory serves me correct—a constitutional amendment to revise the Net

Proceeds of Mines Bill. Up to that year, I knew of only one gentleman, who is not with us any longer, who represented mining at the legislature. I was unaware of any mining involvement in the communities. By the time we got through that session, the mining operations had started giving monies to schools and participating in public events. Of course, we know now that the mining industry is very active with the legislature. I think one of the very good things that Marvin did was to send a wake-up call to a major industry in our state. The mining companies have become excellent community partners, and I think that is one thing that some of us will remember Marvin for, and I certainly strongly support ACR 50.

ASSEMBLYMAN ARBERRY:

Thank you, Madam Speaker pro Tempore. I rise in support of ACR 50.

I'm honored to be the chair of the Committee on Ways and Means. I used to sit right next to Marvin when he was serving. Marvin would call us into his office and give us our marching orders—myself, Mrs. Evans, and some of our former colleagues, Councilman Callister and Judge Porter.

I would like to share a story with this body. One day Marvin gave me some marching orders. Since my name is Arberry, whenever we voteed in Ways and Means, I was the lead vote. Well, Marvin wanted all of us to vote against Mr. Marvel's South Fork Dam. He wanted to take the South Fork Dam and use the money toward education. I said, "No, I'm going to hang with Mr. Marvel this time." Well, low and behold, I didn't realize that when I voted "no," everyone else thought mine was the lead vote, so everyone else voted "no" too. There was an instant caucus in Dr. Sedway's office. Mr. Marvel got his South Fork Dam and we lost some other items.

Whenever I was in need or I was down, I knew I could go to the Sedway household. Mrs. Sedway was always there, along with Marvin, and I can tell you that he was a great guy. Marvin will be missed, and this resolution is something that really, truly needs to be fulfilled because he did care about kids and education.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

I, too, rise in support of the resolution. When I first ran for office in 1986, I talked to Marvin and I said, "Marvin, if you chair Ways and Means, I would like to be on that committee," knowing that it is not easy to get on Ways and Means. He responded, "If you make it through the election, I guarantee you that you will be on the committee." Jim Spinello and I were the two freshman that year.

I, too, recall, what my chairman just said about the South Fork incident, and I was one of those "taken to the wood shed." I had to take my lumps for voting incorrectly. Marvin always let you know where he stood. I will always remember him as my mentor and my rabbi.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker pro Tempore. When I came here, I was a real novice to this process. I had a little experience in county government, but I didn't know much about the legislative process. Marvin was a great teacher to me, and I learned a lot of things from him.

I think that Marvin wanted to shut down our houses of prostitution out in the rural counties. It looked like this was going to pass, so I had to get up and each member of the legislature had to have a position running each one of these houses of prostitution. It was kind of funny. I remember that we were talking about the chairman of Ways and Means, and when you're running a house of prostitution, there are a lot of "ways" and not too much "means," and I think that Mr. Arberry, was the keeper of the gate. Everybody had a role in the running of this particular house of prostitution. I'll never forget that, and if it hadn't been for Marvin, I would not have had the opportunity to do that. He really brought a new perspective to a cowboy from Elko of the problems that do exist in other parts of this state. One thing I remember, he was a straight-up guy, and you could talk to him, and that is what I appreciated. Thank you, Madam Speaker pro Tempore.

ASSEMBLYWOMAN FREEMAN:

Thank you, Madam Speaker pro Tempore. I also rise in support of ACR 50. Certainly the naming of a school is an appropriate tribute to Marvin. I was interested in Mr. Price's comments about Marvin's involvement with mining. In 1989, we had the reclamation bill that we have talked about previously in this body, and I was rather surprised to learn that Mr. Sedway, who was from Las Vegas, was a big supporter of the concept. He helped me a great deal through the process. It was wonderful to make his acquaintance, and I just think this is something that should be done.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. I think if any legislator goes down in history as being the "education legislator," it certainly should be Marvin Sedway. This resolution is most appropriate, and it is so nice to have Kim with us again. We miss her being around here and we certainly wish you well, Kim. You're missed.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Madam Speaker pro Tempore. On behalf of the Assembly, I would like to present a copy of the parchment to Kim. We will also transmit something to the school district. In addition, I have petitions that were signed by everyone in this house that we will submit also to the Clark County School Board. Kim, this is just a small token to you.

Madam Speaker pro Tempore, if I may, after hearing my colleague from Assembly District 17, I would like to share two short, very quick stories. Marvin's timing was sometimes unbelievable. I believe the Assembly was debating the original DUI bill, and it happened to be a Jewish holiday, so Marvin had bottles of Mogan David wine on every desk in this house. The press came in and said, "Wait a minute, what's going on? What's the double message?" It really just happened to be serendipitous.

I have another story of Marvin and his Rolls Royce. Marvin had finished his first term, and my husband was running Marvin's campaign. Marvin had driven up in this beautiful, blue Rolls Royce to do an interview with senior citizens at a mobile home park. He came down to do his interview with the teachers later on, and he said, "I just couldn't believe it. They were very upset and indignant that I had dared to drive up in a Rolls Royce to get their endorsement. I had to tell them, 'Hey, what the hell. At least you know that I'm going up there with the thing, and not coming back with it after having served." That story embodies the flavor, honesty and humor that Marvin brought to these halls. I thank all of you for your comments today, and I know that Kim does as well.

Thank you very much, Madam Speaker pro Tempore.

Resolution adopted.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 11:46 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Evans, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 51—Memorializing Washoe County Sheriff's Deputy Franklin Jay Minnie Sr.

WHEREAS, The members of the Nevada Legislature were deeply grieved to learn of the untimely death of Washoe County Sheriff's Deputy Franklin Jay Minnie Sr.; and

WHEREAS, Franklin Jay Minnie was born on July 6, 1952, to Frank James and Margaret Brimhall Minnie in Los Angeles, California; and

WHEREAS, Franklin (Frank) Minnie had been a resident of Reno since 1987, coming from Carson City; and

WHEREAS, Frank Minnie dedicated his life to law enforcement serving from 1981 to 1985 as a lieutenant for the Nye County Sheriff's Office and from 1986 to 1987 as a corrections officer for the Nevada Department of Prisons; and

WHEREAS, Frank Minnie joined the Washoe County Sheriff's Office on July 29, 1987, and had been a member of the patrol division for the past 7 years; and

WHEREAS, In March 1995, Frank Minnie was one of four deputies originally selected to serve on the motorcycle unit of the Washoe County Sheriff's Office and in preparation for this demanding position he had completed Basic Motorcycle Enforcement Training, a 200-hour Motorcycle Field Training Program and had been scheduled to receive additional motorcycle training with the California Highway Patrol in Sacramento; and

WHEREAS, Frank Minnie was a first-class law enforcement officer who constantly gave his all as he carried out his duties with professionalism, compassion and dedication, earning the respect and admiration of his fellow officers and friends; and

WHEREAS, Frank Minnie was the devoted husband of Jeanne Minnie and a loving father of four children including daughters, Kristal Barnett, age 24, Christa Burdick, age 22, Lacie DeYoe, age 15 and son Franklin Minnie Jr., age 12; now, therefore be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature hereby extend their heartfelt condolences to the family, friends and fellow officers of Deputy Sheriff Franklin Jay Minnie Sr.; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Frank Minnie's loving wife Jeanne and his four children Kristal Barnett, Christa Burdick, Lacie DeYoe and Franklin Minnie Jr.

Assemblywoman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Anderson, Perkins and Humke.

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

ASSEMBLYWOMAN EVANS:

Thank you, Mr. Speaker. Today we remember one of Nevada's finest, Franklin J. Minnie, Sr., who was a deputy with the Washoe County Sheriff's Department. Frank Minnie served Nevada and her citizens for 16 years in a profession that is often misunderstood and lost his life serving each of us. He was responding to a call from a resident regarding a suspected trespasser. He was doing the job he loved.

Frank Minnie was awarded many commendations throughout his distinguished career. One of the most recent came as a result of his efforts to save the life of a young child. As we lose our friends, our wonderful public servants, we also share in the grief felt by their families and their loved ones, and to Mr. Minnie's family, we offer our prayers and our best wishes.

ASSEMBLYMAN ANDERSON:

I rise in support of ACR 51. I am ever mindful of this body's responsibility to send law enforcement personnel into harm's way, which we do on a regular basis in the committee that I chair, often without recognizing their tireless devotion to duty. Officer Minnie demonstrated the kind of sacrifice that we expect of our law enforcement personnel and the kind of sacrifice that they are willing to give so that this society might live free. I extend my personal condolences to the Minnie family.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I did not know Franklin Jay Minnie, but I feel a distinct kinship with him. Mr. Speaker, we in Nevada are comparatively lucky as it relates to losing law enforcement officers to societal ills. During my relatively short law enforcement career, I have lost colleagues, and I know, without a doubt, we will unfortunately lose many more. This should be disturbing to all of us.

To borrow a thought from another, Deputy Minnie and others are the ones who stand on that wall and provide the blanket of security that protects all of us. Can you imagine what our communities would be like without men and women like Deputy Minnie to stand on that wall?

You know, Mr. Speaker, we must never forget the men and women we have lost, and particularly Franklin Jay Minnie. Let me describe to you the feelings of family, friends, and even the officers and deputies themselves while this security is being provided. Knowing that their chosen career potentially puts them in contact every day with violent persons who could seriously harm or kill them, these men and women in law enforcement put themselves in harm's way for us. Worry, anxiety and prayer are a daily vigil. I know in my heart that Deputy Minnie's family, my family, and the families of the rest of the law enforcement community worry constantly about whether their loved ones will come home safely after a day of making our communities safer and more secure.

Can you imagine living every day not knowing whether your loved one will come home or if you will get that dreaded visit? If you can put yourself in their shoes and experience the emotions I've just described, then it becomes painfully obvious how important it is to honorably remember Deputy Franklin Jay Minnie.

Let us thank his family for their ultimate sacrifice, a sacrifice no family should have to endure. It is only the support of families like the Minnies that allow the law enforcement community to provide the order and security I have talked about previously.

On behalf of the Assembly and the law enforcement community in our state, I wish to extend our thanks and our sympathies to the family and friends of Franklin Jay Minnie. Thank you, Mr. Speaker.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise to support ACR 51. I am sorry to say that I didn't know Deputy Minnie, but from the information that I have gained about this man's life, it certainly appears that he was somewhat ordinary. He was a "squared-away cop." I can think of no greater compliment, except to say that he was also a great family man. That makes him ordinary among police. I chose not to believe what I read in the newspapers and magazines and see on TV about officers that go bad, regardless of what agency, federal, state, or local. That is the extreme exception.

Deputy Minnie was so ordinary because he was so good and worked so hard to protect all of us. If I could distill the thoughts of the previous speaker, I think he would have said that every officer bleeds when a fellow officer goes down. I think every citizen does, as well, because we know that that security is being threatened. My condolences to his family.

Resolution adopted.

Assemblyman Perkins moved that Assembly Bills Nos. 83, 248, 270, 342, 578, 589, 608; Senate Bill No. 248 be placed on the General File.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 581 be placed on the Second Reading File immediately following Assembly Bill No. 623.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 349 be taken from the Chief Clerk's desk and placed on the Second Reading File immediately following Assembly Bill No. 581.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 83 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 33 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 545 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 645—An Act relating to the commission for the preservation of wild horses; placing the commission within the state department of conservation and natural resources; changing the title of the executive director of the commission to "administrator"; providing that the administrator is appointed by the director of the department; prohibiting the filing of certain documents by the administrator unless approved by the commission and the director of the department; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 646—An Act relating to Nevada Revised Statutes; making technical corrections to inappropriate or inaccurate provisions; clarifying ambiguous provisions; deleting obsolete provisions; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblywoman de Braga moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 12:25 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 647—An Act making a supplemental appropriation to the Division of Child and Family Services of the Department of Human Resources to offset certain unanticipated expenses at the Caliente Youth Center; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 648—An Act relating to local governmental finances; revising the procedure for the apportionment of tax revenue received by a county treasurer; authorizing a county treasurer to deduct certain expenses related to collecting, investing and apportioning tax revenue under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 771.

Amend the bill as a whole by renumbering sections 1 through 9 as sections 4 through 12 and inserting new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 169 of NRS is hereby amended by adding thereto a new section to read as follows:

"Case in chief of the defendant" means the first opportunity of the defendant to present evidence after the close of the case in chief of the state.

Sec. 2. NRS 169.045 is hereby amended to read as follows:

169.045 As used in this Title, unless the context otherwise requires, the words and terms defined in NRS 169.055 to 169.205, inclusive, *and section 1 of this act* have the meaning ascribed to them in those sections.

Sec. 3. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Not less than 2 judicial days before a preliminary examination, the prosecuting attorney shall permit the defendant to inspect and to copy or photograph any:

(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness the prosecuting attorney intends to call at the preliminary examination, or copies thereof within the possession, custody or control of the prosecuting attorney;

(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the prosecuting attorney; and

(c) Books, papers, documents, tangible objects, or copies thereof, that the prosecuting attorney intends to introduce in evidence at the preliminary examination, within the possession, custody or control of the prosecuting attorney.

2. The defendant is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:

(a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.

(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States.

3. The provisions of this section are not intended to affect any obligation placed upon the prosecuting attorney by the constitution of this state or the Constitution of the United States to disclose exculpatory evidence to the defendant.

4. The magistrate shall not postpone a preliminary examination at the request of a party based solely on the failure of the prosecuting attorney to permit the defendant to inspect, copy or photograph material as required in this section, unless the court finds that the defendant has been prejudiced by such failure.".

Amend sec. 2, page 2, line 1, by deleting "[10] *30* " and inserting "10".

Amend sec. 3, page 2, line 39, by deleting "*30* " and inserting "*5 judicial*".

Amend sec. 3, page 2, line 44, by deleting "*at trial;*" and inserting: "*during the case in chief of the defendant;*".

Amend sec. 3, page 3, line 3, by deleting "*at trial.*" and inserting: "*during the case in chief of the state.*".

Amend sec. 3, page 3, line 4, by deleting "*at trial* " and inserting: "*during the case in chief of the state or during the case in chief of the defendant*".

Amend sec. 3, page 3, lines 5 and 6, by deleting "*at trial* ".

Amend sec. 3, page 3, line 7, by deleting "[21] *30*" and inserting "21".

Amend sec. 3, page 3, by deleting lines 19 and 20 and inserting: "promptly any information required by subsection 2.] *that the party intends to call during the case in chief of the state or during the case in chief of the defendant. A party shall file and serve*".

Amend sec. 3, page 3, line 22, by deleting "*at trial.*" and inserting: "*during the case in chief of the state or during the case in chief of the defendant.*".

Amend sec. 3, page 3, line 33, by deleting: "*the prosecuting attorney*" and inserting "*either party*".

Amend sec. 3, page 3, line 34, by deleting "*defendant* " and inserting "*other party*".

Amend sec. 3, page 3, by deleting line 38 and inserting: "*court shall, upon the request of a party, provide the party or his*".

Amend sec. 4, page 4, line 12, by deleting "relevant:" and inserting: "*:* [relevant:]".

Amend sec. 4, page 4, line 15, by deleting "*at trial,*" and inserting: "*during the case in chief of the state,*".

Amend sec. 4, page 4, line 34, after "*;*" by inserting "*and* ".

Amend sec. 4, page 4, line 35, after "*thereof,*" by inserting: "*that the prosecuting attorney intends to introduce during the case in chief of the state and which are*".

Amend sec. 4, page 4, by deleting lines 38 through 40 and inserting "*prosecuting attorney.*".

Amend sec. 4, page 5, lines 4 and 5, by deleting: "*object, building, place*" and inserting "*object* ".

Amend sec. 5, page 5, line 33 by deleting "*any relevant:*" and inserting "*any:*".

Amend sec. 5, page 5, line 35, by deleting "*at trial,*" and inserting: "*during the case in chief of the defendant,*".

Amend sec. 5, page 5, lines 39 and 40, by deleting "*at trial,*" and inserting: "*during the case in chief of the defendant,*".

Amend sec. 5, page 5, line 44, by deleting "*at trial,*" and inserting: "*during the case in chief of the defendant,*".

Amend sec. 7, page 6, line 26, by deleting "10" and inserting "[10] *30* ".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 804.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting: "the Department of Taxation the sum of $1,407,286 for:

1. The development and implementation of computer networks;
2. The payment of computer-related litigation expenses; and
3. The purchase of a modular".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 260.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 797.

Amend section 1, page 1, line 1, by deleting "There" and inserting "1. There".

Amend section 1, page 1, line 2, by deleting "$14,760,634" and inserting "$14,102,711".

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: "for the cost of completing Phase II of the Implementation Plan for the Business Process Re-Engineering Project through implementation of the integrated registration and drivers' license data base at a full-service facility, as described in the Project Genesis Business Process Re-Engineering Report, dated May 15, 1996.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the

state highway fund as soon as all payments of money committed have been made.".

Amend sec. 2, page 1, by deleting lines 5 and 6 and inserting:

"Sec. 2. 1. There is hereby appropriated from the state highway fund to the Department of Motor Vehicles and Public Safety the sum of $239,946 for the cost of completing Phase I of the Implementation Plan for the Business Process Re-Engineering Project, as described in the Project Genesis Business Process Re-Engineering Report, dated May 15, 1996.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1998, and".

Amend the title of the bill to read as follows: "An Act making appropriations for the completion of Phases I and II of the Implementation Plan for the Business Process Re-Engineering Project of the Department of Motor Vehicles and Public Safety; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes appropriations for completion of Phases I and II of Implementation Plan for Business Process Re-Engineering Project of Department of Motor Vehicles and Public Safety. (BDR S-1440)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 276.

Bill read second time.

Assemblyman Bache moved that Assembly Bill No. 276 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 755.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 7 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to:

(a) Authorize a person with a disability to make reasonable modifications to a dwelling which he occupies or will occupy if:

(1) The person with the disability pays for the modifications; and

(2) The modifications are necessary to ensure that the person with the disability may use and enjoy the dwelling; or

(b) Make reasonable accommodations in rules, policies, practices or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling.

2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his occupancy, to restore the dwelling to the condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of *the deposit for* security *or the deposit for cleaning which* he customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit a reasonable amount [of] *for* security *or for cleaning* in addition to the amount he usually requires if the additional amount:

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. As used in this section, "security" has the meaning ascribed to it in NRS 118A.240.

Sec. 2. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord may not terminate a tenancy unless the termination of the tenancy is supported by one or more of the following causes:

(a) The tenant violates an obligation to the landlord created by the rental agreement, this chapter or any other provision of law or creates a nuisance, including, but not limited to, a nuisance defined in NRS 40.140 or 202.450; or

(b) Any other reason, business or personal, unless the reason violates a statute, ordinance or regulation prohibiting discrimination or retaliation. This paragraph includes, but is not limited to, a decision by the landlord to:

(1) Perform substantial renovation or repair that requires the premises to be vacant;

(2) Occupy the premises personally or allow another member of his immediate family to occupy the premises; or

(3) Remove the premises from the rental market.

2. Before terminating a tenancy pursuant to subsection 1, the landlord must notify the tenant in writing of each cause listed in subsection 1 that supports the termination.

3. A tenant may:

(a) Bring an action to enjoin the termination of a tenancy on the basis that the termination of the tenancy is not supported by a cause listed in subsection 1; or

(b) Assert as a defense to a summary eviction or any other proceeding by the landlord for possession of the premises that the termination of the tenancy is not supported by a cause listed in subsection 1.

Sec. 3. NRS 118A.240 is hereby amended to read as follows:

118A.240 1. Any payment, deposit, fee or charge that is to be used for any of the following purposes is "security" and is governed by the provisions of this section and NRS 118A.242 and 118A.244:

(a) Remedying any default of the tenant in the payments of rent.

(b) Repairing damages to the premises other than normal wear caused by the tenant.

[(c) Cleaning the dwelling unit.]

2. "Security" does not include any payment, deposit or fee to secure an option to purchase the premises.

Sec. 4. NRS 118A.242 is hereby amended to read as follows:

118A.242 1. The landlord may [not demand or receive security, including] *require from the tenant separate deposits for:*

(a) Cleaning; and

(b) Security, including, but not limited to, the last month's rent . [, whose] *The* total amount or value [exceeds] *of the deposit for security must not exceed* 3 months' periodic rent.

2. [Upon termination of the tenancy by either party for any reason,] *Except as otherwise provided in this chapter, the landlord is not required to refund a deposit for cleaning.*

3. If the duration of the tenancy is for 1 year or more, the tenant may request a refund of the deposit for security at any time after 1 year, regardless of whether the tenancy is terminated by either party. The landlord shall refund the deposit for security, minus any deductions allowed pursuant to subsection 5, not later than 30 days after the tenant requests the refund and permits an inspection of the premises.

4. If the duration of the tenancy is for less than 1 year, the landlord shall refund the deposit for security, minus any deductions allowed pursuant to subsection 5, not later than 30 days after the tenancy is terminated.

5. Before refunding the deposit for security pursuant to subsection 3 or 4, the landlord may [claim of the] *deduct from the deposit for* security only such amounts as are reasonably necessary to [remedy] *:*

(a) Remedy any default of the tenant in the payment of rent [, to repair] *; and*

(b) Repair any damages to the premises caused by the tenant other than normal wear . [and to pay the reasonable costs of cleaning the premises.]

6. The landlord shall provide the tenant with an itemized written accounting of the disposition of the *deposit for* security and return any remaining portion of the *deposit for* security to the tenant [no later than 30 days after the termination of the tenancy] *pursuant to subsection 3 or 4* by handing it to him personally at the place where the rent is paid, or by mailing it to him at his present address, or if that address is unknown, at the tenant's last known address.

[3.] *7.* If the landlord fails or refuses to return the remainder of [a] *the deposit for* security [deposit] within 30 days [after the end of a tenancy, he] *pursuant to subsection 3 or 4, the landlord* is liable to the tenant for damages:

(a) In an amount equal to the entire deposit; and

(b) For a sum to be fixed by the court of not more than the amount of the entire deposit.

[4.] *8.* In determining the sum, if any, to be awarded [under] *to the tenant pursuant to* paragraph (b) of subsection [3,] *7,* the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

[5. Except for an agreement which provides for a nonrefundable charge for cleaning, in a reasonable amount, no]

9. A rental agreement [may] *must not* contain any provision characterizing any *deposit for* security [under this section] as nonrefundable or any provision waiving or modifying [a tenant's rights under] *the rights provided to a tenant by* this section. Any such provision is void as contrary to public policy.

[6.] *10.* The claim of a tenant to *a deposit for* security to which he is entitled [under] *pursuant to* this chapter takes precedence over the claim of any creditor of the landlord.

Sec. 5. NRS 118A.244 is hereby amended to read as follows:

118A.244 1. Upon termination of the landlord's interest in the dwelling unit, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord or his agent shall, within a reasonable time, do one of the following, which relieves him of further liability with respect to the security:

(a) Notify the tenant in writing of the name, address and telephone number of his successor in interest, and that he has transferred to his

successor in interest *the deposit for cleaning and* the portion of the security remaining after making any deductions allowed under NRS 118A.242.

(b) Return to the tenant *the deposit for cleaning and* the portion of the security remaining after making any deductions allowed under NRS 118A.242.

The successor has the rights, obligations and liabilities of the former landlord as to *the deposit for cleaning and* any securities which are owed under this section or NRS 118A.242 at the time of transfer.

2. The landlord shall, before he records a deed transferring any dwelling unit:

(a) Transfer to his successor, in writing, the portion of any tenant's security deposit or other money held by him , *including, but not limited to, the deposit for cleaning,* which remains after making any deductions allowed under NRS 118A.242; or

(b) Notify his successor in writing that he has returned all such deposits or portions thereof to the tenant.

Sec. 6. NRS 118A.250 is hereby amended to read as follows:

118A.250 The landlord shall deliver to the tenant upon his request a signed written receipt for security and any other payments, deposits or fees, including , *but not limited to, deposits for cleaning and* rent, paid by the tenant and received by the landlord. The tenant may refuse to make rent payments until the landlord tenders the requested receipt.".

Amend the bill as a whole by deleting sec. 4 and adding new sections designated sections 8 and 9, following sec. 3, to read as follows:

"Sec. 8. NRS 118A.350 is hereby amended to read as follows:

118A.350 1. Except as otherwise provided in this chapter, if the landlord fails to comply with the rental agreement or fails to maintain the dwelling unit in a habitable condition as required by this chapter, the tenant shall deliver a written notice to the landlord specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate as provided in this section. If the breach is remediable and the landlord adequately remedies the breach or uses his best efforts to remedy the breach within 14 days after receipt of the notice, the rental agreement does not terminate by reason of the breach. If the landlord fails to remedy the breach or make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

2. The tenant may not terminate for a condition caused by his own deliberate or negligent act or omission or that of a member of his household or other person on the premises with his consent.

3. If the rental agreement is terminated, the landlord shall return all *deposits for cleaning,* prepaid rent and security recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless he has given notice as required by subsection 1, except that the tenant may, without giving that notice, recover damages under paragraph (b) of subsection 1 if the landlord:

(a) Admits to the court that he had knowledge of the condition constituting the breach; or

(b) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

Sec. 9. NRS 118A.370 is hereby amended to read as follows:

118A.370 If the landlord fails to deliver possession of the dwelling unit to the tenant as provided in this chapter, rent abates until possession is delivered as required, and the tenant may:

1. Terminate the rental agreement upon at least 5 days' written notice to the landlord and upon termination the landlord shall return all prepaid rent, security recoverable under this chapter, and any payment, deposit, fee or charge to secure the execution of the rental agreement [;] *, including, but not limited to, deposits for cleaning;* or

2. Demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the actual damages sustained. If the landlord has exercised due diligence to evict the holdover tenant or remedy the condition keeping the new tenant from taking possession, the landlord is not liable for damages; or

3. Pursue any other remedies to which the tenant is entitled, including the right to recover any actual damages suffered.".

Amend the bill as a whole by renumbering sec. 5 as sec. 10.

Amend sec. 5, page 4, line 32, by deleting "*rent* " and inserting: "*any rent that becomes due*".

Amend sec. 5, page 4, line 34, by deleting "*agreement; or*" and inserting: "*agreement, until the landlord has attempted in good faith to restore the essential services; or*".

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

"Sec. 11. NRS 118A.390 is hereby amended to read as follows:

118A.390 1. If the landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block his entry upon the premises or willfully interrupts or causes or permits the interruption of any essential service required by the rental agreement or this chapter, the tenant may recover possession, proceed under NRS 118A.380 or terminate the rental agreement and, in addition to any other remedy, recover his actual

damages, receive an amount not greater than $1,000 to be fixed by the court, or both.

2. In determining the amount, if any, to be awarded under subsection 1, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

3. If the rental agreement is terminated, the landlord shall return all *deposits for cleaning,* prepaid rent and security recoverable under this chapter.

Sec. 12. NRS 118A.400 is hereby amended to read as follows:

118A.400 1. If the dwelling unit or premises are damaged or destroyed by fire or casualty to an extent that enjoyment of the dwelling unit is substantially impaired, the landlord may terminate the rental agreement and the tenant may, in addition to any other remedy:

(a) Immediately vacate the premises and notify the landlord within 7 days thereafter of his intention to terminate the rental agreement, in which case the rental agreement terminates as of the date of vacating.

(b) If continued occupancy is lawful, vacate any part of the dwelling unit rendered unusable by the fire or casualty, in which case the tenant's liability for rent is reduced in proportion to the diminution in the fair rental value of the dwelling unit or lack of use of the dwelling unit.

2. If the rental agreement is terminated, the landlord shall return all *deposits for cleaning,* prepaid rent and security recoverable under this chapter. Accounting for rent in the event of termination or such continued occupancy [shall] *must* be made as of the date the premises were vacated.

3. This section does not apply if it is determined that the fire or casualty were caused by deliberate or negligent acts of the tenant, a member of his household or other person on the premises with his consent.".

Amend the bill as a whole by deleting sections 6 and 8 and renumbering sec. 7 as sec. 13.

Amend sec. 7, page 6, line 12, by deleting "with cause;" and inserting: "[with cause;] *for a cause listed in subsection 1 of section 2 of this act;*".

Amend the bill as a whole by adding a new section designated sec. 14 and the text of the repealed section, following sec. 7, to read as follows:

"Sec. 14. NRS 118A.060 is hereby repealed.

TEXT OF REPEALED SECTION

118A.060 "Cause" defined. A tenancy is terminated with "cause" for:

1. Nonpayment of rent.

2. Nonpayment of utility charges if the landlord customarily pays such charges and submits a separate bill to the tenant.

3. Failure of the tenant to comply with:

(a) Basic obligations imposed on the tenant by this chapter;

(b) Valid rules or regulations established pursuant to this chapter; or

(c) Valid provisions of the rental agreement.

4. Condemnation of the dwelling unit.".

Amend the title of the bill to read as follows: "An Act relating to tenancies; revising the provisions relating to terminating a tenancy; prohibiting a landlord from terminating a tenancy except for certain reasons; revising the provisions relating to deposits for cleaning and security; allowing a tenant to withhold rent that becomes due under certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read second time.

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

Amendment No. 777.

Amend the bill as a whole by deleting sections 1 through 16 and adding new sections designated sections 1 through 20, following the enacting clause, to read as follows:

"Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Advisory committee" means the advisory committee on the quality of life to the regional planning council that is created pursuant to section 6 of this act.*

Sec. 4. *"Regional planning council" means the regional planning council for each county whose population is 400,000 or more that is created pursuant to section 7 of this act.*

Sec. 5. *"Technical committee" means the technical committee to the regional planning council that is created pursuant to section 8 of this act.*

Sec. 6. *1. An advisory committee on the quality of life to the regional planning council is hereby created.*

2. The advisory committee must consist of not less than five members who are appointed by the regional planning council. The regional planning council shall ensure that the members of the advisory committee are diverse in regard to gender, race, ethnicity and viewpoint. The term of each member of the advisory committee is 1 year.

3. The advisory committee shall:

(a) Advise the regional planning council regarding the quality of life within its jurisdiction.

(b) Specify relevant indicators of quality of life, which must include, without limitation, measures of natural resources and conservation, land use and development, public facilities and services and community resources.

Sec. 7. *1. There is hereby created in each county whose population is 400,000 or more a regional planning council consisting of nine members to be appointed as follows:*

(a) Three members of the board of county commissioners of that county, appointed by the board, at least two of whom represent unincorporated areas of the county.

(b) Two members of the governing body of the largest incorporated city in the county, appointed by the governing body; and

(c) One member of the governing body of each of the next four largest incorporated cities in the county, appointed by the respective governing bodies.

2. Except for the terms of the initial members of the regional planning council, the term of each member is 2 years and until the selection and qualification of his successor. A member may be reappointed. A vacancy must be filled for the unexpired term in the same manner as the initial appointment.

3. A member of the regional planning council who ceases to be a member of the governing body that appointed him ceases to be a member of the regional planning council.

4. The regional planning council shall elect a chairman from among its members. The term of the chairman is 2 years.

Sec. 8. *1. The technical committee to the regional planning council is hereby created, consisting of:*

(a) The planning director of the county and each incorporated city within the county or his designee;

(b) The chief planning officer of the school district within the county or his designee;

(c) The chief planning officer of the regional transportation commission within the county or his designee;

(d) The chief planning officer of a flood control district within the county or his designee; and

(e) Any other persons deemed appropriate by the regional planning council.

2. A member who ceases to hold the position of planning director or chief planning officer of the jurisdiction from which he is appointed ceases to be a member of the technical committee.

3. The technical committee shall elect a chairman from among its members. The term of the chairman is 1 year.

4. The technical committee shall:

(a) Review all plans and applications submitted to the regional planning council.

(b) Provide administrative support to the regional planning council.

Sec. 9. *1. The regional planning council shall, in consultation with the technical committee, develop a comprehensive regional plan for the physical development and orderly management of the growth of the region for a period of not less than 20 years.*

2. In developing the regional plan pursuant to subsection 1, the regional planning council:

(a) May consult with other entities that are interested or involved in regional planning within the county.

(b) Shall establish criteria to determine:

(1) Projects of regional significance that may be constructed within the region.

(2) The areas within the region that may be designated as spheres of influence.

(c) Shall ensure that the regional plan includes goals, policies, maps and other documents relating to:

(1) Conservation and natural resources.

(2) Population, including, without limitation, a projection of population growth in the region.

(3) Land use and development.

(4) Transportation.

(5) Public facilities and services.

3. The regional planning council shall not adopt or amend the regional plan unless the adoption or amendment is by resolution of the regional planning council carried by the affirmative votes of not less than two-thirds of its total membership.

4. As used in this section:

(a) "Project of regional significance," with respect to a project proposed by any person other than a public utility, means a project which:

(1) Has been identified in the guidelines of the regional planning commission as a project which will result in the loss or significant degradation of a designated historic, archeological, cultural or scenic resource;

(2) Has been identified in the guidelines of the regional planning commission as a project which will result in the creation of significant new geothermal or mining operations;

(3) Has been identified in the guidelines of the regional planning commission as a project which will have a significant effect on the natural resources, public services, public facilities or the adopted regional form of the region; or

(4) Will require a change in zoning, a special use permit, an amendment to a master plan, a tentative map or other approval for the use of land which, if approved, will have an effect on the region of increasing:

(I) Employment by not less than 938 employees;

(II) Housing by not less than 625 units;

(III) Hotel accommodations by not less than 625 rooms;

(IV) Sewage by not less than 187,500 gallons per day;

(V) Water usage by not less than 625 acre-feet per year; or

(VI) Traffic by not less than an average of 6,250 trips daily.

The term does not include any project for which a request for an amendment to a master plan, a change in zoning, a tentative map or a special use permit has been approved by the local planning commission before July 1, 1997.

(b) "Project of regional significance," with respect to a project proposed by a public utility, includes:

(1) An electric substation;

(2) A transmission line that carries 60 kilovolts or more;

(3) A facility that generates electricity greater than 5 megawatts;

(4) Natural gas storage and peak shaving facilities; and

(5) Gas regulator stations and mains that operate over 100 pounds per square inch.

(c) "Sphere of influence" means an area into which a city plans to expand as designated in the regional plan within the time designated in the regional plan.

Sec. 10. *The local governments represented on the regional planning council shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the regional planning council and technical committee to function. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the regional planning council. The agreement must also contain a provision specifying the responsibility of each local government to pay for legal services, if any, required by the regional planning council.*

Sec. 11. *The following entities shall, if otherwise required to submit plans to the public service commission of Nevada for approval, submit those plans to the technical committee for review and recommendations:*

1. Regional agencies that are located in whole or in part within the county.

2. Governmental agencies that are located in whole or in part within the region, including, without limitation, the county school district and the department of prisons.

Sec. 12. *A governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facility plan or other similar plan, or any amendment thereto,*

after July 1, 1997, unless the regional planning council has been afforded an opportunity to make recommendations regarding the plan or amendment.

Sec. 13. *The regional planning council shall, on or before July 1 of each year, prepare and adopt a budget for the immediately succeeding fiscal year and shall submit that budget to each of the local governments within the region as a recommendation for funding.*

Sec. 14. *The regional planning council may contract with planners, engineers, architects and other consultants to carry out the provisions of sections 2 to 14, inclusive, of this act.*

Sec. 15. Section 10 of this act is hereby amended to read as follows:

Sec. 10. The local governments represented on the regional planning council shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the regional planning council , *advisory committee* and technical committee to function. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the regional planning council. The agreement must also contain a provision specifying the responsibility of each local government to pay for legal services, if any, required by the regional planning council.

Sec. 16. Each governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall, on or before May 1, 1999, submit to the regional planning council for its review all existing master plans, facility plans and other similar plans.

Sec. 17. The regional planning council shall:

1. On or before March 1, 1999:

(a) Adopt a comprehensive regional plan in accordance with section 9 of this act. Before approving the plan, the regional planning council must hold public hearings on the proposed plan in the cities and unincorporated areas within the county.

(b) In cooperation with local governmental entities within the county, develop guidelines to determine whether master plans established by those entities would conform with the comprehensive regional plan.

(c) Report to the legislature regarding the progress made in developing and adopting the comprehensive regional plan and any other recommendations the regional planning council may have for regional planning within the county. The recommendations must include amendments or additions to legislative measures or provisions of NRS that the regional planning council determines are necessary to:

(1) Ensure the adequacy and consistency of regional planning efforts within the region.

(2) Enable local governmental entities within the region to utilize their authority to govern in a more efficient manner.

2. On or before July 1, 1999:

(a) Examine master plans, facility plans and other similar plans submitted to the regional planning council pursuant to section 11 or 12 of this act to determine whether the plans:

(1) Conform with the comprehensive regional plan.

(2) Propose a project that would constitute a project of regional significance pursuant to criteria developed in accordance with section 9 of this act.

(b) Review, consider and make recommendations regarding applications from agencies of the Federal Government and applications for federal assistance for federally-assisted programs or projects.

3. On or before September 1, 1999, make final recommendations regarding plans examined by the regional planning council pursuant to paragraph (a) of subsection 2. If the regional planning council determines that a plan is not in conformance with the comprehensive regional plan, the regional planning council shall return the plan to the submitting entity with guidance as to how the submitting entity may bring the plan into conformance with the comprehensive regional plan and with instructions to resubmit the plan within 45 days.

Sec. 18. 1. In each county whose population is 400,000 or more, the board of county commissioners and the governing bodies of the five largest incorporated cities in the county shall, on or before October 1, 1997, appoint members to the regional planning council created by section 7 of this act in the manner set forth in that section.

2. The board of county commissioners and the governing bodies of the incorporated cities shall ensure that the terms of office of the initial members appointed to the regional planning council are staggered as follows:

(a) Five members shall serve terms of office of 2 years, commencing on October 1, 1997, and terminating on September 30, 1999.

(b) Four members shall serve terms of office of 1 year, commencing on October 1, 1997, and terminating on September 30, 1998.

The board of county commissioners and the governing bodies of the incorporated cities shall draw lots to determine which members shall serve terms of 2 years and which shall serve terms of 1 year.

3. On or before November 1, 1997, the regional planning council shall ensure that the members of the technical committee created pursuant to section 8 of this act take office in accordance with that section.

Sec. 19. On or before July 1, 1999, the regional planning council shall appoint to the advisory committee created pursuant to section 6 of this act not less than five members selected in accordance with that section.

Sec. 20. 1. This section and sections 1, 2, 4, 5, 7 to 14, inclusive, 16, 17 and 18 of this act become effective on July 1, 1997.

2. Sections 3, 6, 15 and 19 of this act become effective on July 1, 1999.".

Amend the title of the bill to read as follows: "An Act relating to regional planning; making various changes concerning regional planning in certain counties; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 605.

Bill read second time and ordered to third reading.

Assembly Bill No. 623.

Bill read second time and ordered to third reading.

Assembly Bill No. 581.

Bill read second time.

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

Amendment No. 790.

Amend section 1, page 1, by deleting line 2 and inserting: "a new section to read as follows:

1. Except as otherwise provided in subsection 4, no person may merge with, acquire through a subsidiary or affiliate, or otherwise directly or indirectly obtain control of a public utility doing business in this state or an entity that holds a controlling interest in such a public utility without first submitting to the commission an application for authorization of the proposed transaction and obtaining authorization from the commission pursuant to subsection 2. Any merger, acquisition or change in control in violation of this section is not valid for any purpose.

2. Before authorizing the merger, acquisition or change in control of a public utility doing business in this state, the commission shall consider the effect of the proposed transaction. If the commission finds that the proposed merger, acquisition or change in control is in the public interest, the commission shall authorize the proposed transaction.

3. If the commission does not issue a final determination regarding the proposed transaction within 180 days after the date on which an application or amended application for authorization of the proposed transaction was filed with the commission, the transaction shall be deemed approved.

4. The provisions of this section do not apply to the transfer of stock of a public utility doing business in this state or to the transfer of the stock of an entity holding a controlling interest in such a public utility, if a transfer of not more than 25 percent of the common stock of such a public utility or entity is proposed.".

Amend the bill as a whole by deleting sections 2 through 5, renumbering sections 6 and 7 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 704.410 is hereby amended to read as follows:

704.410 1. Any public utility subject to the provisions of NRS 704.005 to 704.751, inclusive, to which a certificate of public convenience and necessity has been issued pursuant to NRS 704.005 to 704.751, inclusive, *and section 1 of this act,* may transfer the certificate to any person qualified under NRS 704.005 to 704.751, inclusive, *and section 1 of this act,* but the transfer is not valid for any purpose until a joint application to make the transfer has been made to the commission by the transferor and the transferee, and the commission has authorized the substitution of the transferee for the transferor.

2. The commission may direct that a hearing be had in the matter of the transfer. If the commission determines that a hearing should be held, the hearing must be noticed and conducted in the same manner as other *contested* hearings before the commission.

3. The commission has the sole discretion to direct that a hearing be held if the application seeks to transfer the certificate from a person or partners to a corporation when the officers of the corporation will be substantially the same person or partners.

4. The commission may dispense with a hearing if, upon the expiration of the time fixed in the notice thereof, no protest to the proposed transfer has been filed by or on behalf of any interested person.

5. In determining whether the transfer of a certificate of public convenience and necessity to an applicant transferee should be authorized, the commission must take into consideration:

(a) The utility service performed by the transferor and the proposed utility service of the transferee;

(b) Other authorized utility services in the territory for which the transfer is sought; and

(c) Whether the transferee is fit, willing and able to perform the services of a public utility and whether the proposed operation will be consistent with the legislative policies set forth in NRS 704.005 to 704.751, inclusive [.] *and section 1 of this act.*

6. The commission may make such amendments, restrictions or modifications in a certificate upon transferring it as the public interest requires.

7. No transfer is valid beyond the life of the certificate transferred.

[8. No transfer of stock of a public utility subject to the jurisdiction of the commission is valid without prior approval of the commission if the effect of the transfer would be to change corporate control of the public

utility or if a transfer of 15 percent or more of the common stock of the public utility is proposed.]".

Amend sec. 6, page 4, line 27, by deleting: "*sections 2, 3 and 4* " and inserting "*section 1* ".

Amend sec. 6, page 4, line 30, by deleting: "*sections 2, 3 and 4* " and inserting "*section 1* ".

Amend sec. 6, page 4, line 31, by deleting: "*sections 2, 3 and 4* " and inserting "*section 1* ".

Amend sec. 6, page 4, line 34, by deleting: "*sections 2, 3 and 4* " and inserting "*section 1* ".

Amend sec. 6, page 4, line 40, by deleting: "*sections 2, 3 and 4* " and inserting "*section 1* ".

Amend sec. 7, page 4, line 42, by deleting: "on July 1, 1997." and inserting: "upon passage and approval.".

Amend the title of the bill by deleting the third through seventh lines and inserting: "providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 581 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

Assembly Bill No. 349.

Bill read second time.

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

Amendment No. 822.

Amend sec. 2, pages 1 and 2, by deleting lines 12 through 17 on page 1 and lines 1 through 7 on page 2 and inserting: "*If a vacancy occurs on the governing body of a city, the governing body may, in lieu of appointment, declare by resolution a special election to fill the vacancy.*".

Amend sec. 12, page 5, by deleting line 35 and inserting:

"1. Except as otherwise provided in this section, a vacancy in the city council or in the office of city attorney".

Amend sec. 12, page 6, by deleting lines 1 and 2 and inserting:

"2. The appointee shall serve until the next general municipal election and until his successor is elected and qualified. Notwithstanding the provisions of section 5.010 of this charter to the contrary, the office must be filled by election at the next general municipal election. If that

election is other than the election specified in section 5.010 of this charter for the filling of the office, the election is only for the balance of the unexpired term for that office.

3. If a vacancy occurs in an office of city council, in lieu of appointment, the city council may, by resolution, declare a special election to fill the vacancy. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this charter.".

Amend the title of the bill by deleting the first line and inserting: "An Act relating to cities; authorizing a special election to fill vacancies on the governing".

Amend the summary of the bill to read as follows: "Summary—Authorizes special election to fill vacancies on governing body of city. (BDR 21-1154)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 798.

Amend section 1, pages 1 and 2, by deleting lines 2 through 23 on page 1 and lines 1 through 13 on page 2 and inserting:

"205.240 1. Except as otherwise provided in NRS 205.220 and 475.105 and sections 8 and 9 of *Senate Bill No. 118 of* this [act,] *session,* a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than $250, owned by another person;

(2) Bedding, furniture or other property, with a value of less than $250, which the person, as a lodger, is to use in or with his lodging and which is owned by another person; or

(3) Real property, with a value of less than $250, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than $250, owned by another person.

2. A person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

3. Except as otherwise provided in subsection 4 [,] *or 5,* if a person is convicted of petit larceny and within the 3 years immediately preceding and including the date of that conviction, the person is or has been convicted of petit larceny *one other time, the court, in addition to any other penalty, shall order the person to perform not less than 48 hours of community service.*

4. Except as otherwise provided in subsection 5, if a person is convicted of petit larceny and within the 3 years immediately preceding and including the date of that conviction, the person is or has been convicted of petit larceny two other times, the court, in addition to any other penalty:

(a) Shall sentence the person to a term of imprisonment of not less than 60 days nor more than 6 months; and

(b) Shall not grant probation or suspend the sentence unless the court orders as a condition of probation or suspension of sentence that the person serve a term of imprisonment of not less than 60 days.

[4.] *5.* If a person is convicted of petit larceny and within the 3 years immediately preceding and including the date of that conviction, the person is or has been convicted of petit larceny three or more other times, the court, in addition to any other penalty:

(a) Shall sentence the person to a term of imprisonment of not less than 60 days nor more than 6 months;

(b) Shall not grant probation or suspend the sentence unless the court orders as a condition of probation or suspension of sentence that the person serve a term of imprisonment of not less than 60 days; and

(c) Shall impose a fine of at least $500.

[5.] *6.* The provisions of subsections 3 , [and] 4 *and 5* do not affect the provisions of any other statute providing for a more severe penalty for a first or subsequent conviction of petit larceny.".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective at 12:01 a.m. on October 1, 1997.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 49.

Bill read second time and ordered to third reading.

Senate Bill No. 74.

Bill read second time and ordered to third reading.

Senate Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 752.

Amend the bill as a whole by adding a new section designated sec. 21.5, following sec. 21, to read as follows:

"Sec. 21.5. NRS 599B.010 is hereby amended to read as follows:

599B.010 As used in this chapter, unless the context otherwise requires:

1. "Chance promotion" means any plan in which premiums are distributed by random or chance selection.

2. "Commissioner" means the commissioner of consumer affairs.

3. "Consumer" means a person who is solicited by a seller or salesman.

4. "Division" means the consumer affairs division of the department of business and industry.

5. "Donation" means a promise, grant or pledge of money, credit, property, financial assistance or other thing of value given in response to a solicitation by telephone, including, but not limited to, a payment or promise to pay in consideration for a performance, event or sale of goods or services. The term does not include volunteer services, government grants or contracts or a payment by members of any organization of membership fees, dues, fines or assessments or for services rendered by the organization to those persons, if:

(a) The fees, dues, fines, assessments or services confer a bona fide right, privilege, professional standing, honor or other direct benefit upon the member; and

(b) Membership in the organization is not conferred solely in consideration for making a donation in response to a solicitation.

6. "Goods or services" means any property, tangible or intangible, real, personal or mixed, and any other article, commodity or thing of value.

7. "Premium" includes any prize, bonus, award, gift or any other similar inducement or incentive to purchase.

8. "Recovery service" means a business or other practice whereby a person represents or implies that he will, for a fee, recover any amount of money that a consumer has provided to a seller or salesman pursuant to a solicitation governed by the provisions of this chapter.

9. "Salesman" means any person:

(a) Employed or authorized by a seller to sell, or to attempt to sell, goods or services by telephone;

(b) Retained by a seller to provide consulting services relating to the management or operation of the seller's business; or

(c) Who communicates on behalf of a seller with a consumer:

(1) In the course of a solicitation by telephone; or

(2) For the purpose of verifying, changing or confirming an order,

except that a person is not a salesman if his only function is to identify a consumer by name only and he immediately refers the consumer to a salesman.

10. Except as otherwise provided in subsection 11, "seller" means any person who, on his own behalf, causes or attempts to cause a solicitation by telephone to be made through the use of one or more salesmen or any automated dialing announcing device under any of the following circumstances:

(a) The person initiates contact by telephone with a consumer and represents or implies:

(1) That a consumer who buys one or more goods or services will receive additional goods or services, whether or not of the same type as purchased, without further cost, except for actual postage or common carrier charges;

(2) That a consumer will or has a chance or opportunity to receive a premium;

(3) That the items for sale are gold, silver or other precious metals, diamonds, rubies, sapphires or other precious stones, or any interest in oil, gas or mineral fields, wells or exploration sites or any other investment opportunity;

(4) That *the product* offered for sale is information or opinions relating to sporting events;

(5) That *the product* offered for sale [are] *is* the services of a recovery service; or

(6) That the consumer will receive a premium or goods or services if he makes a donation;

(b) The solicitation by telephone is made by the person in response to inquiries from a consumer generated by a notification or communication sent or delivered to the consumer that represents or implies:

(1) That the consumer has been in any manner specially selected to receive the notification or communication or the offer contained in the notification or communication;

(2) That the consumer will receive a premium if the recipient calls the person;

(3) That if the consumer buys one or more goods or services from the person, the consumer will also receive additional or other goods or services, whether or not the same type as purchased, without further cost or at a cost that the person represents or implies is less than the regular price of the goods or services;

(4) That *the product* offered for sale [are] *is* the services of a recovery service; or

(5) That the consumer will receive a premium or goods or services if he makes a donation; or

(c) The solicitation by telephone is made by the person in response to inquiries generated by advertisements that represent or imply that the person is offering to sell any:

(1) Gold, silver or other metals, including coins, diamonds, rubies, sapphires or other stones, coal or other minerals or any interest in oil, gas or other mineral fields, wells or exploration sites, or any other investment opportunity;

(2) Information or opinions relating to sporting events; or

(3) Services of a recovery service.

11. "Seller" does not include:

(a) A person licensed pursuant to chapter 90 of NRS when soliciting offers, sales or purchases within the scope of his license.

(b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or 696A of NRS when soliciting sales within the scope of his license.

(c) A person licensed as an insurance broker, agent or solicitor when soliciting sales within the scope of his license.

(d) Any solicitation of sales made by the publisher of a newspaper or magazine or by an agent of the publisher pursuant to a written agreement between the agent and publisher.

(e) A broadcaster soliciting sales who is licensed by any state or federal authority, if the solicitation is within the scope of the broadcaster's license.

(f) A person who solicits a donation from a consumer when:

(1) The person represents or implies that the consumer will receive a premium or goods or services with an aggregated fair market value of 2 percent of the donation or $50, whichever is less; or

(2) The consumer provides a donation of $50 or less in response to the solicitation.

(g) A charitable organization which is registered or approved to conduct a lottery pursuant to chapter 462 of NRS.

(h) A public utility or motor carrier which is regulated pursuant to chapter 704 or 706 of NRS, or by an affiliate of such a utility or motor carrier, if the solicitation is within the scope of its certificate or license.

(i) A utility which is regulated pursuant to chapter 710 of NRS, or by an affiliate of such a utility.

(j) A person soliciting the sale of books, recordings, video cassettes , *software for computer systems* or similar items through [an] *:*

(1) An organization whose method of sales is governed by the [regulations of the Federal Trade Commission] *provisions of Part 425 of Title 16 of the Code of Federal Regulations* relating to the use of negative option plans by sellers in commerce [, including the] *;*

(2) The use of continuity plans, subscription arrangements, arrangements for standing orders, supplements, and series arrangements [under] *pursuant to* which the person periodically ships merchandise to a consumer who has consented in advance to receive the merchandise on a periodic basis and has the opportunity to review the merchandise for at least

10 days and return it for a full refund within 30 days after it is received [.] *; or*

(3) An arrangement pursuant to which the person ships merchandise to a consumer who has consented in advance to receive the merchandise and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received.

(k) A person who solicits sales by periodically publishing and delivering a catalog to consumers if the catalog:

(1) Contains a written description or illustration of each item offered for sale and the price of each item;

(2) Includes the business address of the person;

(3) Includes at least [100] *24* pages of written material and illustrations;

(4) Is distributed in more than one state; and

(5) Has an annual circulation by mailing of not less than 250,000.

(l) A person soliciting without the intent to complete and who does not complete, the sales transaction by telephone but completes the sales transaction at a later face-to-face meeting between the solicitor and the consumer, if the person, after soliciting a sale by telephone, does not cause another person to collect the payment from or deliver any goods or services purchased to the consumer.

(m) Any commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, trust company, savings and loan association, credit union, industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurer subject to regulation by an official or agency of this state or of the United States, if the solicitation is within the scope of the certificate or license held by the entity.

(n) A person holding a certificate of authority issued pursuant to chapter 452 of NRS when soliciting sales within the scope of the certificate.

(o) A person licensed pursuant to chapter 689 of NRS when soliciting sales within the scope of his license.

(p) A person soliciting the sale of services provided by a community antenna television company subject to regulation pursuant to chapter 711 of NRS.

(q) A person soliciting the sale of agricultural products, if the solicitation is not intended to and does not result in a sale of more than $100 [.] *that is to be delivered to one address.* As used in this paragraph, "agricultural products" has the meaning ascribed to it in NRS 587.290.

(r) A person who has been operating, for at least 2 years, a retail business establishment under the same name as that used in connection with the solicitation of sales by telephone if, on a continuing basis:

(1) Goods are displayed and offered for sale or services are offered for sale and provided at the person's business establishment; and

(2) At least 50 percent of the person's business involves the buyer obtaining such goods or services at the person's business establishment.

(s) A person soliciting only the sale of telephone answering services to be provided by the person or his employer.

(t) A person soliciting a transaction regulated by the Commodity Futures Trading Commission, if:

(1) The person is registered with or temporarily licensed by the Commission to conduct that activity pursuant to the Commodity Exchange Act (7 U.S.C. §§ 1 et seq.); and

(2) The registration or license has not expired or been suspended or revoked.

(u) A person who contracts for the maintenance or repair of goods previously purchased from the person:

(1) Making the solicitation; or

(2) On whose behalf the solicitation is made.

(v) A person to whom a nonrestricted gaming license, which is current and valid, has been issued pursuant to chapter 463 of NRS when soliciting sales within the scope of his license.

(w) A person who solicits a previous customer of the business on whose behalf the call is made if the person making the call:

(1) Does not offer the customer any premium in connection with the sale;

(2) Is not selling an investment or an opportunity for an investment that is not registered with any state or federal authority; and

(3) Is not regularly engaged in telephone sales.

(x) A person who solicits the sale of livestock.

(y) An issuer [or wholly owned subsidiary of an issuer] which has a [security] *class of securities* that is listed on the New York Stock Exchange [.] *, the American Stock Exchange or the National Market System of the National Association of Securities Dealers Automated Quotation System.*

(z) A subsidiary of an issuer that qualifies for exemption pursuant to paragraph (y) if at least 60 percent of the voting power of the shares of the subsidiary is owned by the issuer.".

Amend the title of the bill, seventh line, after "penalties;" by inserting: "revising the scope of persons who are required to register as sellers or salesmen in this state;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes to provisions governing trade practices. (BDR 52-611)".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 257.

Bill read second time and ordered to third reading.

Senate Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 800.

Amend sec. 2, page 1, lines 3 and 4, by deleting: "*, furnishes or otherwise*" and inserting "*and* ".

Amend sec. 2, page 1, line 6, by deleting: "*, furnishes or otherwise*" and inserting "*and* ".

Amend sec. 2, page 1, line 13, after "*radio*" by inserting "*service or* ".

Amend sec. 2, page 1, line 14, after "*or* " by inserting: "*television or radio service or* ".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 382.

Bill read second time and ordered to third reading.

Senate Bill No. 401.

Bill read second time and ordered to third reading.

Senate Bill No. 405.

Bill read second time and ordered to third reading.

Senate Bill No. 431.

Bill read second time and ordered to third reading.

Senate Bill No. 440.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 83 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 449 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Williams moved that Senate Bill No. 330 be taken from the Chief Clerk's desk and placed on the General File immediately following Senate Bill No. 248.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 624; Senate Bill No. 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 123, 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 624 considered engrossed, declared an emergency measure under the Constitution and placed at the top of third reading and final passage.

Remarks by Assemblyman Price.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 624.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 624:

YEAS — 42.

NAYS — None.

Assembly Bill No. 624 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblymen Cegavske, Chowning, Goldwater, Segerblom, Collins, Price and Giunchigliani.

Assemblywoman Giunchigliani moved that Assembly Bill No. 404 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost.

Remarks by Assemblymen Lee, Carpenter, Freeman and Anderson.

Assemblywoman Cegavske moved that Assembly Bill No. 404 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 442.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 851.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 through 7 as sections 1 through 5.

Amend sec. 3, page 2, line 15, by deleting "cancellation" and inserting "cancellation,".

Amend sec. 3, page 2, by deleting line 29 and inserting: "security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.".

Amend sec. 5, page 3, by deleting lines 28 and 29 and inserting: "A new photograph [,] *or* change of name [, change of address or any combination] *, or both* .....4".

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

"Sec. 6. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1997."

Amend the title of the bill to read as follows: "An Act relating to the department of motor vehicles and public safety; eliminating the fee for changing the address on a driver's license or identification card; making

various changes to identification cards; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 453.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 453:

YEAS — 42.

NAYS — None.

Assembly Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Assembly Bill No. 248:

YEAS — 42.

NAYS — None.

Assembly Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 270:

YEAS — 42.

NAYS — None.

Assembly Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 342.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Assembly Bill No. 342:

YEAS — 42.

NAYS — None.

Assembly Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 578.

Bill read third time.

Assemblyman Perkins moved that Assembly Bill No. 578 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 589.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 589:

YEAS — 42.

NAYS — None.

Assembly Bill No. 589 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 608.

Bill read third time.

Remarks by Assemblymen Bache and Perkins.

Potential conflict of interest declared by Assemblyman Perkins.

Roll call on Assembly Bill No. 608:

YEAS — 42.

NAYS — None.

Assembly Bill No. 608 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 131, 180, 248, 330, 346, 406 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bill No. 137, Senate Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 25, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 291.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 36, 105, 302, 465.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 36.

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

Motion carried.

Senate Bill No. 105.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 291.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 302.

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

Motion carried.

Senate Bill No. 465.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that the vote whereby Assembly Bill No. 645 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 645 be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 69.

The following Senate amendment was read:

Amendment No. 550.

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. Section 5.020 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 723, Statutes of Nevada 1973, at page 1442, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The city council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents.

2. If for any general municipal election there are three or more candidates for the offices of mayor or municipal judge, or five or more candidates for the office of councilman, a primary election for any such office [shall] *must* be held on the Tuesday following the [1st] *first* Monday in May preceding [such] *the* general election.

3. [After] *Except as otherwise provided in subsections 4 and 5, after* the primary election, the names of the two candidates for mayor and municipal judge and the names of the four candidates for city councilman who receive the highest number of votes [shall] *must* be placed on the ballot for the general election . [unless]

4. If one of the candidates for mayor or municipal judge receives a majority of the total votes cast for that office in the primary election, [in which case such candidate shall be declared the winner.] *he shall be declared elected to office and his name must not appear on the ballot for the general election.*

5. If a candidate for city council receives votes equal to a majority of voters casting ballots in the primary election:

(a) He shall be declared elected to one of the open seats on the city council and his name must not appear on the ballot for the general election.

(b) Unless all the open seats were filled pursuant to paragraph (a), the names of those candidates who received the highest number of votes but did not receive a number of votes equal to a majority of the voters casting ballots in the primary election, not to exceed twice the number of candidates remaining to be elected, must be placed on the ballot for the general election.".

Amend the title of the bill, third line, after "councilmen;" by inserting: "requiring that a candidate for city council who receives votes equal to a majority of voters casting ballots in the primary election be declared elected to a seat on the city council;".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 69.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 117.

The following Senate amendment was read:

Amendment No. 708.

Amend the bill as a whole by deleting section 1 and inserting:

"Section 1. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy or acceptances of candidacy must be paid to the filing officer by cash, cashier's check or certified check.

United States Senator	$500
Representative in Congress	300
Governor	300
Justice of the supreme court	300
Any state office, other than governor or justice of the supreme court	200
District judge	150
Justice of the peace	100
Any county office	100
State senator	100
Assemblyman	100
Any district office other than district judge	30
Constable or other town or township office	30

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received by him from candidates. The county treasurer shall deposit [one-half of] the money to the credit of the general fund of the county . [and transfer the remainder to the state treasurer for deposit in the state general fund.]".

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. NRS 293.323 is hereby amended to read as follows:

293.323 1. If the request for an absent ballot is made by mail or telegram, the county or city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base, postage prepaid:

(a) Except as provided in paragraph (b) [, an] :

(1) An absent ballot [, a] ;

(2) A return envelope [, a stamp] ;

(3) Supplies for marking the ballot [, a stamp pad and instructions.];

(4) An envelope or similar device into which the ballot is inserted to ensure its secrecy; and

(5) Instructions.

(b) In those counties or cities using a mechanical voting system whereby a vote is cast by punching a card [, a] :

(1) A card attached to a sheet of foam plastic or similar backing material [, a] ;

(2) A return envelope [, a] ;

(3) A punching instrument [, a] ;

(4) A sample ballot [and instructions.] ;

(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and

(6) Instructions.

2. The return envelope must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

3. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1.

4. Before depositing the ballot in the mails, the county or city clerk shall record the date the ballot is issued, the name of the registered voter to whom

it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.".

Amend sec. 17, page 12, line 34, by deleting "stamp" and inserting "[stamp] *mark*".

Amend sec. 17, page 12, line 41, by deleting "stamp" and inserting "[stamp] *mark*".

Amend the bill as a whole by adding a new section designated 17.5, following sec. 17, to read as follows:

"Sec. 17.5. NRS 293.350 is hereby amended to read as follows:

293.350 1. The county or city clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. Except as provided in subsection 3, the ballot must be accompanied by:

(a) [A stamp and stamp pad;] *Supplies for marking the ballot;*

(b) A return envelope;

(c) *An envelope or similar device into which the ballot is inserted to ensure its secrecy;*

(d) A sample ballot; and

[(d)] *(e)* Instructions regarding the manner of [stamping] *marking* and returning the ballot.

3. In those counties or cities using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:

(a) A sheet of foam plastic or similar backing material attached to the card;

(b) A punching instrument;

(c) A return envelope;

(d) *An envelope or similar device into which the card is inserted to ensure its secrecy;*

(e) A sample ballot; and

[(e)] *(f)* Instructions regarding the manner of punching and returning the card.".

Amend the bill as a whole by deleting sec. 22 and adding new sections designated sections 22 and 22.5 following sec. 21, to read as follows:

"Sec. 22. NRS 293.565 is hereby amended to read as follows:

293.565 1. *Except as otherwise provided in subsection 2, sample ballots must include:*

(a) The fiscal note, as provided pursuant to NRS 218.276, for each proposed constitutional amendment or statewide measure;

(b) An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it; and

(c) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county or city clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. At least 10 days before any election, the county or city clerk shall cause to be mailed to each registered voter in the county or city a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county or city clerk shall mail a notice of the change to each registered voter in the county or city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE HAS CHANGED SINCE THE LAST ELECTION

[2.] *4.* The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 22.5. NRS 293B.205 is hereby amended to read as follows:

293B.205 [1.] The officers charged with the duty of providing ballots for any polling place shall provide the polling place with two sample ballots, which must be arranged in the form of:

[(a)] *1.* A booklet or full sheet of paper printed to display a facsimile of the page or several pages which constitute the list of offices and candidates and the statements of measures to be voted on which will be in use at that election; or

[(b)] *2.* A diagram showing that part of the face of the mechanical recording device which will be used at that election containing the list of offices and candidates and the statements of measures to be voted on.

[2. All sample ballots must include:

(a) The fiscal note, as provided pursuant to NRS 218.276, for each proposed constitutional amendment or statewide measure.

(b) An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it.

(c) The full text of each proposed constitutional amendment.]".

Amend the bill as a whole by renumbering sections 27 through 30 as sections 33 through 36 and adding new sections designated sections 27 through 32, following sec. 26, to read as follows:

"Sec. 27. NRS 539.123 is hereby amended to read as follows:

539.123 1. Any person [21] *18* years of age or over, whether a resident of the district or not, who is or has declared his intention to become a citizen of the United States is an "elector" for the purposes of this chapter and is entitled to vote at any election held pursuant to this chapter if the following conditions as to ownership of land are met:

(a) The elector must be the bona fide holder of title or evidence of title, as defined in NRS 539.020 and 539.023, to land within the district or have a contractual right to acquire title to land within the district upon payment of a fixed sum to the record titleholder.

(b) The holder of an undivided interest in land is an elector and, if his interest is community property, his spouse is an elector whether or not the spouse appears of record as the owner of an interest in the acreage. If two or more persons hold undivided or community interests, one such person may vote upon presenting the written consent of his fellow holders.

(c) A surface water right must be appurtenant to the acreage.

2. An elector is entitled to vote according to the land which he owns outright, as follows:

(a) Ten acres or less, one vote;

(b) For each additional 10 acres or a part thereof, up to and including 200 acres, one additional vote; and

(c) For each additional 100 acres or a part thereof above 200 acres, one additional vote.

The district shall issue a separate ballot for each vote which an elector is entitled to cast.

3. If two or more persons hold undivided or community interests in land, each is entitled to cast a percentage of the respective votes otherwise allowed pursuant to subsection 2 that is equal to his percentage interest in that land, except that, if pursuant to this subsection those persons are entitled to a fractional interest in a vote, that vote may only be cast by one of those persons upon presenting the written consent of his fellow holders.

4. Any elector who resides outside the district, who owns land in the district, and who is qualified to vote at district elections shall be deemed a resident of that division and precinct of the district in which the major portion of his lands are located, for the purpose of determining his place of voting and qualifications for holding office.

5. Any elector who resides within the district boundaries shall be deemed a resident of the division in which he actually resides, for the purpose of determining his qualification for voting and holding office.

6. A guardian, executor, administrator or trustee shall be deemed the holder of title or evidence of title, as prescribed in NRS 539.020 and 539.023, to the land in the state for which he is the guardian, executor, administrator or trustee, and has the right to sign petitions, vote and do all things that any elector may do pursuant to this chapter. If there is more than one guardian, executor, administrator or trustee, they must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter.

7. Corporations or partnerships holding land in the district shall be deemed persons entitled to exercise all the rights of natural persons, and the president of such a corporation, the general partner of such a partnership, or any other person authorized in writing by the president or vice president of the corporation or the general partner of the partnership, may sign any petition authorized by this chapter, and register and cast the vote of the corporation or partnership at any election. If a partnership has more than one general partner, the general partners must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter.

8. Designations or written consents for the purposes of registration and voting as authorized pursuant to this section must be filed with the district not later than 14 days before the election.

Sec. 28. Section 1 of Assembly Bill No. 4 of this session is hereby amended to read as follows:

Section 1. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) The fiscal note, as provided pursuant to NRS 218.276, for each proposed constitutional amendment or statewide measure;

(b) An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it; and

(c) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county or city clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at

no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. At least 10 days before any election, the county or city clerk shall cause to be mailed to each registered voter in the county or city a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county or city clerk shall mail a notice of the change to each registered voter in the county or city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE HAS CHANGED SINCE THE LAST ELECTION

4. *The county or city clerk shall include in each sample ballot for a primary election or primary city election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.*

5. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 29. Section 1 of Senate Bill No. 10 of this session is hereby amended to read as follows:

Section 1. NRS 293.260 is hereby amended to read as follows:

293.260 1. Where there is no contest for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office [,] and no minor political party has nominated a candidate for the office or no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, *the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph,* the candidates of that party who receive the highest number of votes [at] *in* the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. *If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his name must be placed on the ballot for the general election.*

(b) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. Where no more than the number of candidates to be elected have filed for nomination for any office, the names of those candidates must be omitted from all ballots for a primary election or primary city election and placed on all ballots for a general election or general city election.

6. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election or primary city election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 30. Section 1 of Senate Bill No. 215 of this session is hereby amended to read as follows:

Section 1. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of a candidacy, and paid the fee required by NRS 293.193 not earlier than the first [Tuesday in March] *Monday in May* of the year in which the election is to be held nor later than 5 p.m. on the [first Tuesday in June.] *third Monday in May.*

2. A declaration of candidacy or an acceptance of a candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada }
}ss.
County of..... }

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a date 30 days or more before the date of the close of filing of declarations of candidacy for this office; that I am registered as a member of the ..... Party; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me this ..... day of..... , 19....

.....
Notary Public or other person authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada }
}ss.
County of..... }

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a date 30 days or more before the date of the close of filing of declarations of candidacy for this office; that if nominated as a nonpartisan candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before
me this ..... day of..... , 19....

.....
Notary Public or other person
authorized to administer an oath

3. A person may be a candidate under his given name and surname, a contraction or familiar form of his given name followed by his surname or the initial of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into a candidate's name. The nickname must be in quotation marks and appear immediately before the candidate's surname. A nickname must not indicate any political, economical, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter regarding the person or principles for which he is voting.

4. An affidavit of candidacy must be in substantially the same form as the form set forth in paragraph (b) of subsection 2.

5. The address of a candidate which must be included in the declaration of candidacy or acceptance of a candidacy pursuant to subsection 2 must be the street address of the residence where he actually resides, if one has been assigned. The declaration or acceptance

must not be accepted for filing if the candidate's address is listed as a post office box unless a street address has not been assigned to his residence.

Sec. 31. Section 3 of Senate Bill No. 215 of this session is hereby amended to read as follows:

Sec. 3. NRS 293.330 is hereby amended to read as follows:

293.330 1. When an absent voter receives his ballot, he must mark and fold it, if it is a paper ballot, or punch it, if the ballot is voted by punching a card, in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. If the absent voter who has received a ballot by mail applies to vote the ballot in person at:

(a) The county or city clerk's office, he must mark or punch the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Canceled."

3. Except as otherwise provided in NRS 293.316, it is unlawful for any person other than the voter who requested an absent ballot to return it. A person who violates the provisions of this subsection is guilty of a category [D] *E* felony and shall be punished as provided in NRS 193.130.

Sec. 32. Section 5 of Senate Bill No. 215 is hereby amended to read as follows:

Sec. 5. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his possession five or more completed applications to register to vote he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Immediately after the close of registration, each field registrar shall forward to the county clerk all completed applications in his possession. Within 5 days after the close of registration for a general election or general city election, a field registrar shall return all unused applications in his possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this state.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 10 of NRS 293.5235 shall not:

(a) Delegate any of his duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a field registrar unless he has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 10 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

while he is registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar he shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 10 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote;

(b) Alter or deface an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required; or

(c) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.

13. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

14. A person who violates any of the provisions of subsection 8, 9, 10 or 12 is guilty of a category [D] *E* felony and shall be punished as provided in NRS 193.130.".

Amend sec. 30, page 18, by deleting line 35 and inserting:

"Sec. 36. 1. This section and sections 1 to 21, inclusive, and 22.5 to 35, inclusive, of this act become effective on July 1, 1997.

2. Section 22 of this act becomes effective at 12:01 a.m. on July 1, 1997.".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to elections; making various changes relating to petitions, candidacy, election".

Amend the summary of the bill to read as follows: "Summary—Makes various changes relating to elections. (BDR 24-601)".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 117.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 66, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of 3 members, for the further consideration of the measure.

DAVID R. PARKS	WILLIAM R. O'DONNELL
PAT HICKEY	JON C. PORTER
JOHN J. LEE	MICHAEL A. SCHNEIDER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Parks moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 66.

Remarks by Assemblyman Parks.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Lambert and Neighbors as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 66.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 46; Senate Bills Nos. 44, 129, 192, 244, 351, 364; Senate Concurrent Resolution No. 51.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Orchow and David Litvin.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Bailey Snyder and Heather Homestead.

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to John Sande.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Shenea Stephenson.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Taco Prins.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Batchelor.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, June 26, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:44 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-EIGHTH DAY

CARSON CITY (Thursday), June 26, 1997

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Cleric Michael Berg, Eckankar.

In the Name of the Creator. We are gathered here today in the solemn hall of the Assembly to transact the important business of this state. We invite God's grace into our deliberations and seek that place within each of us that contains pure and unlimited wisdom and love. By keeping our attention on a higher source, we turn our actions, thoughts and life over to the Divine Spirit. In ECKANKAR, to show our gratitude to God, we have the word "HU", a most beautiful prayer. HU is an ancient Name for God, it is a love song to God. It does not direct God to do anything, but rather says, "Thy will be done." You may close your eyes, if you wish, and silently sing the "HU" or you may pick a word that you like, that is sacred to you and fills your heart with love, or put your attention on your own spiritual guide. This becomes a non-directed prayer, which means that we are willing to let the Holy Spirit take care of the affairs in our life according to the Divine Plan. We will now have a moment of silence. We thank You, God, for Your guidance this day. May the Blessing Be. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bill No. 626; Senate Bill No. 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 615, 628; Senate Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 583, 594, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 25, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 38, 240, 369, 452, 548.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 36 and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 50, 51.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Joint Resolution No. 8 and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 115, 260, 297.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 99 and requests a conference, and appointed Senators James, Mathews and Schneider as a first Committee on Conference to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini and Hettrick:

Assembly Resolution No. 16—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That pursuant to the provisions of NRS 218.660 and the Joint Rules of the Legislature, the following Assemblymen are designated regular and alternate members of the Legislative Commission to serve until their successors are designated: Mr. Joseph E. Dini, Jr., Mr. Richard D. Perkins, Mrs. Joan A. Lambert, Mr. Peter G. Ernaut, Ms. Deanna Braunlin and Ms. Barbara E. Buckley are designated as the regular Assembly members; Mrs. Marcia de Braga and Mr. Bernie Anderson are designated as the first and second alternate members, respectively, for Mr. Joseph E. Dini, Jr.; Mr. Douglas A. Bache and Mr. Robert E. Price are designated as the first and second alternate members, respectively, for Mr. Richard D. Perkins; Mr. Brian E. Sandoval and Mr. Dennis Nolan are designated as the first and second alternate members, respectively, for Mrs.

Joan A. Lambert; Mr. John C. Carpenter and Mr. Mark Amodei are designated as the first and second alternate members, respectively, for Mr. Peter G. Ernaut; Ms. Sandra Tiffany and Ms. Merle A. Berman are designated as the first and second alternate members, respectively, for Ms. Deanna Braunlin; Ms. Christina R. Giunchigliani and Mrs. Ellen M. Koivisto are designated as the first and second alternate members, respectively, for Ms. Barbara E. Buckley.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Von Tobel, Manendo, Chowning, Williams, Gustavson, Koivisto, Carpenter, Segerblom, Anderson, Nolan, Lee and Amodei:

Assembly Bill No. 649—An Act relating to mechanics' liens; providing for arbitration if a lien is released under bond; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 650—An Act relating to public works; requiring a public body to request from the labor commissioner an identifying number for each project and include that number in the advertisement for bids for the project; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 70.

Bill read second time.

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

Amendment No. 746.

Amend sec. 2, page 1, line 10, after "*towns.*" by inserting: "*The ordinance may also include within the urban taxing district that portion of a fire district created pursuant to NRS 244.2961 that is coterminous with the boundaries of the unincorporated towns included in the urban taxing district. If such a portion of a fire district is included in the urban taxing district, the board of county commissioners shall, by ordinance, remove from the boundaries of the fire district any area included in the urban taxing district. The provisions of this section do not apply to alter the boundaries of a fire district for the*

purposes of taxes levied for the repayment, when due, of the principal of and interest on bonds, notes or other indebtedness issued before July 1, 1997.".

Amend sec. 2, page 1, line 12, after "*towns*" by inserting: "*and, if applicable, the portion of the fire district* ".

Amend sec. 2, page 1, line 14, by deleting "*towns.*" and inserting: "*towns and, if applicable, by the fire district.*".

Amend sec. 2, page 2, by deleting lines 3 through 6 and inserting: "*January 1; or*

(b) July 1 of the fiscal year immediately following the fiscal year in which the ordinance is adopted if the ordinance is adopted on or before December 31.".

Amend sec. 3, page 2, line 12, after "*district.*" by inserting: "*The assessed valuation of property included in the urban taxing district pursuant to this section which is not contiguous to the boundaries of the urban taxing district at the time that property is included in the urban taxing district must not be considered in determining the basic ad valorem revenue of the urban taxing district for the purposes of NRS 377.057.*".

Amend sec. 8, page 6, line 27, after "*ordinance.*" by inserting: "*If a portion of a fire district is included in the ordinance creating an urban taxing district, the initial calculation of the allowed revenue from taxes ad valorem and the basic ad valorem revenue of an urban taxing district must also include that portion of the allowed revenue from taxes ad valorem and the basic ad valorem revenue of the fire district which is determined by multiplying the product of the assessed valuation of the property of the fire district that is included in the urban taxing district divided by the total assessed value of the fire district by the total allowed revenue from taxes ad valorem and the basic ad valorem revenue of the fire district. The allowed revenue from taxes ad valorem and the basic ad valorem revenue of the fire district must be reduced by the same amount of allowed revenue from taxes ad valorem and basic ad valorem revenue that is added to the district pursuant to this subsection.".*

Amend sec. 9, page 7, line 38, after "shall" by inserting "distribute".

Amend sec. 9, page 7, line 41, by deleting "2:" and inserting "2, to:".

Amend sec. 9, page 7, line 42, by deleting "For".

Amend sec. 9, page 7, line 43, by deleting: "distribute to each county".

Amend sec. 9, page 8, by deleting line 19 and inserting: "(b) All other counties, the amount remaining after making".

Amend sec. 9, page 8, line 20, by deleting "county" and inserting: "of these counties".

Amend sec. 9, page 8, line 36, by deleting "1," and inserting "1".

Amend sec. 9, page 8, line 41, by deleting "1," and inserting "1".

Amend sec. 9, page 9, by deleting lines 36 through 39 and inserting: "*use a rate that is not greater than the rate obtained by dividing the sum of:*

(1) The basic ad valorem revenues of all of the unincorporated towns identified in the ordinance creating the urban taxing district; and

(2) If applicable, that portion of the basic ad valorem revenue of a fire district created pursuant to NRS 244.2961 that has been included in the urban taxing district which is determined by multiplying the product of the assessed valuation of the property of the fire district included in the ordinance creating the urban taxing district divided by the total assessed valuation of the fire district by the total basic ad valorem revenue of the fire district,

by the sum of the assessed valuation of those incorporated towns and the assessed valuation of any property of a fire district included in the urban taxing district for the fiscal year immediately".

Amend sec. 9, page 9, by deleting line 43 and inserting: "assessed valuation of a:

(a) Fire protection district includes property which was".

Amend sec. 9, page 10, line 3, by deleting "(a)" and inserting "(1)".

Amend sec. 9, page 10, line 4, by deleting "(b)" and inserting "(2)".

Amend sec. 9, page 10, between lines 5 and 6, by inserting:

"(b) Local government includes property which was transferred from private ownership, after July 1, 1997, to property held in trust for an Indian tribe pursuant to the provisions of the Indian Reorganization Act, 25 U.S.C. §§ 461 et seq.".

Amend sec. 10, page 11, line 26, after "*towns*" by inserting: "*and any portion of a fire district*".

Amend sec. 11, page 12, line 30, after "towns" by inserting: "and any portion of a fire district".

Amend the bill as a whole by renumbering sec. 12 as sec. 13 and adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. Section 6 of Senate Bill No. 254 of this session is hereby amended to read as follows:

Sec. 6. "Local government" means any county, city , [or] town *or urban taxing district* that receives any portion of the proceeds of a tax which is included in the fund.".

Amend sec. 12, page 13, by deleting line 11 and inserting:

"Sec. 13. 1. This section and sections 1 to 8, inclusive, 10 and 11 of this act become effective on July 1, 1997.

2. Section 9 of this act becomes effective at 12:01 a.m. on July 1, 1997.

3. Section 12 of this act becomes effective upon the passage and approval of section 6 of Senate Bill No. 254 of this session.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 70 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 802.

Amend section 1, page 1, by deleting line 2 and inserting: "the State Gaming Control Board:

1. The sum of $590,072 for a fiber optic system,".

Amend section 1, page 1, between lines 4 and 5 by inserting:

"2. The sum of $176,604 for the support of a position to assist in activities relating to the National Gambling Impact Study Commission.".

Amend sec. 2, page 1, line 5, by deleting "appropriation" and inserting "appropriations".

Amend the title of the bill to read as follows: "An Act making appropriations to the State Gaming Control Board for various equipment and for the support of an additional position; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes appropriations to State Gaming Control Board. (BDR S-1419)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 268.

Bill read second time and ordered to third reading.

Assembly Bill No. 337.

Bill read second time.

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

Amendment No. 821.

Amend section 1, pages 1 and 2, by deleting lines 3 through 12 on page 1 and lines 1 through 10 on page 2, and inserting: "*A public body shall establish a policy and procedure for the placement by a member of the public body of items of business on an agenda for a meeting of the public body.*".

Amend the title of the bill to read as follows: "An Act relating to meetings of public bodies; requiring a public body to establish a policy and procedure for the placement by a member of the public body of items of business on an agenda for a meeting of the public body; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Requires public body to establish policy and procedure regarding placement by member of public body of items on agenda for public meeting. (BDR 19-931)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 363.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 756.

Amend section 1, page 1, by deleting lines 3 through 11 and inserting:

"*1. Before a motion picture company begins production of a motion picture in this state, the motion picture company must:*

(a) Register with the division of motion pictures; and

(b) Obtain any applicable permits otherwise required by other agencies and political subdivisions of this state.

2. The registration filed with the division of motion pictures must:".

Amend section 1, page 2, line 4, by deleting "*a contract*" and inserting "*an agreement*".

Amend section 1, page 2, line 6, by deleting "*pictures.*" and inserting: "*pictures or, in a county whose population is 400,000 or more, by the head of the department or agency within that county which is authorized to issue business licenses on behalf of the county.*".

Amend section 1, page 2, by deleting lines 7 and 8.

Amend sec. 2, page 2, by deleting lines 12 and 13 and inserting: "[films to be shown in theaters and on television, industrial, training and educational films, commercials for television, and video discs and tapes.] *feature films, movies made for broadcast on television and programs made for broadcast on television in episodes.*".

Amend the bill as a whole by adding new sections designated sections 3 through 9, following sec. 2, to read as follows:

"Sec. 3. NRS 364A.153 is hereby amended to read as follows:

364A.153 1. The division of motion pictures of the commission on economic development [, as an agent] *or, in a county whose population is 400,000 or more, the department or agency within that county which is*

authorized to issue business licenses on behalf of the county, as agents of the department of taxation, shall collect the tax imposed by this chapter from those businesses that engage in the business of creating or producing motion pictures, as that term is defined in NRS 231.020, that are not residents or do not have a permanent place of business in [Nevada.] *this state.* All taxes collected [by the division of motion pictures] *pursuant to this subsection* must be immediately forwarded to the department upon receipt.

2. The tax must be calculated pursuant to NRS 364A.140 and 364A.150 upon the number of hours worked in this state, but a person who conducts a business described in subsection 1 need not obtain a business license under this chapter.

Sec. 4. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

In a county whose population is 400,000 or more, if the department or agency within that county which is authorized to issue business licenses on behalf of the county receives:

1. A request for a waiver pursuant to subsection 5 of section 6 of this act; or

2. A bond posted pursuant to section 7 of this act,

the department or agency shall, within 1 working day, transmit the request or bond to the division of motion pictures of the commission on economic development. Upon the receipt of a request or bond, the producer-promoter-employer to whom the request or bond pertains shall be deemed to have complied with section 1 of this act.

Sec. 5. NRS 608.300 is hereby amended to read as follows:

608.300 As used in NRS 608.310 and 608.320, *and section 4 of this act,* unless the context otherwise requires:

1. "Artist" means an actor, musician, dancer or athlete.

2. "Production" means [a stage or screen production or a radio or television program using artists and including the technical personnel used to create and produce it.

3. "Producer-promoter"] *:*

(a) A stage production; or

(b) A motion picture, as that term is defined in NRS 231.020,

that uses artists. The term includes the technical personnel used to create and produce the production.

3. "Producer-promoter-employer" means a natural person who, or a firm, association or corporation which, supervises or finances a production or attempts to organize a production. *The term also includes a company that, in connection with the production of a motion picture within this state:*

(a) Is hired or established to organize or manage the payroll of the production and is the employer of record of any or all of the persons engaged in the production; or

(b) Is responsible for all of the debts and obligations incurred by a motion picture company in the production.

Sec. 6. NRS 608.310 is hereby amended to read as follows:

608.310 1. Except as otherwise provided in subsection 4, a [producer-promoter] *producer-promoter-employer* intending to do business in this state must obtain a permit from the labor commissioner.

2. An application for the permit required by subsection 1 must contain information concerning:

(a) The applicant's name and permanent address;

(b) The financing for the production;

(c) The type of production intended by the applicant, the number of artists, technical personnel and other persons required for the production and where the applicant intends to exhibit the production; and

(d) Such other information as the labor commissioner may require by regulation for the protection of persons associated with the entertainment industry.

3. The commissioner may by regulation require a reasonable fee for processing an application.

4. The provisions of this section do not apply to any [producer-promoter] *producer-promoter-employer* who produces proof to the commissioner *or, in a county whose population is 400,000 or more, produces proof to the department or agency within that county which is authorized to issue business licenses on behalf of the county* that he:

(a) Has been in the business of a [producer-promoter] *producer-promoter-employer* in this state for the 5-year period immediately preceding the filing of the application and has had no successful wage claim filed with the labor commissioner during that period;

(b) Has sufficient tangible assets in this state which, if executed upon, would equal or exceed the amount of bond required; [or]

(c) Holds a license to operate a nonrestricted gaming operation in this state [.] *; or*

(d) If the producer-promoter-employer is engaged in the production of a motion picture, as that term is defined in NRS 231.020, within a county whose population is 400,000 or more, has contracted with a company to organize or manage the payroll of the production and the company is the employer of record of any or all of the persons engaged in the production.

5. If a producer-promoter-employer is exempt from the provisions of this section pursuant to subsection 4, he may request a waiver confirming that exemption from:

(a) The director of the division of motion pictures of the commission on economic development; or

(b) In a county whose population is 400,000 or more, the department or agency within that county which is authorized to issue business licenses on behalf of the county.

If the request is made pursuant to paragraph (b), the department or agency shall submit the request to the division of motion pictures in accordance with section 4 of this act. The labor commissioner shall, within 1 working day, approve such a request upon confirmation that the producer-promoter-employer fulfills one or more of the criteria for an exemption set forth in subsection 4. A waiver approved pursuant to this subsection is effective for a period of 5 years unless the labor commissioner determines that good cause exists to revoke the waiver. Upon the expiration of a waiver at the end of the 5-year period, the labor commissioner may extend the waiver for an additional period if the labor commissioner determines that the producer-promoter-employer has acted in good faith and has complied with the statutes and regulations of this state.

Sec. 7. NRS 608.320 is hereby amended to read as follows:

608.320 A [producer-promoter] *producer-promoter-employer* required by NRS 608.310 to obtain a permit from the labor commissioner must, before being granted the permit, post a bond with [the] *:*

1. The labor commissioner *; or*

2. In a county whose population is 400,000 or more, with the department or agency within that county which is authorized to issue business licenses on behalf of the county,

in the amount of at least twice the average weekly wages to be paid by the [producer-promoter] *producer-promoter-employer* to persons to be employed in the production. Except as otherwise provided in this section, the bond must be conditioned on the payment of all wages due all artists, technical personnel and other persons employed in the production upon the cessation of the production or upon the subrogation of another for the liabilities of the [producer-promoter,] *producer-promoter-employer,* if that subrogation is satisfactory to the labor commissioner. The bond need not be conditioned upon the payment of any wages due to the persons who are the celebrity headliners in the production or the executive personnel, managers or supervisors.

Sec. 8. NRS 608.330 is hereby amended to read as follows:

608.330 Any person who fails to comply with the provisions of NRS 608.300, 608.310 and 608.320 [is] *:*

(a) Is guilty of a misdemeanor [.] *; and*

(b) May be prohibited by the division of motion pictures of the commission on economic development from proceeding with the production until the division determines that he is in compliance with those provisions.

Sec. 9. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.".

Amend the title of the bill to read as follows: "An Act relating to entertainment; revising provisions governing the making of stage productions and motion pictures within this state; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing making of stage productions and motion pictures within this state. (BDR 18-1290)".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 380.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 494.

Amend sec. 2, page 1, line 7, by deleting "15," and inserting "12,".

Amend sec. 3, page 1, line 8, by deleting "*15,*" and inserting "*12,*".

Amend sec. 4, page 1, line 13, by deleting "*A*" and inserting "*1. A*".

Amend sec. 4, page 2, line 2, by deleting "*15,*" and inserting "*12,*".

Amend sec. 4, page 2, between lines 2 and 3, by inserting:

"*2. A sale of a tax lien does not extinguish the tax lien or the taxes owing on that lien. The purchaser of a tax lien obtains the lien with the same priority as the county when it held the lien.*

3. A sale of a tax lien does not extinguish the right of the owner of the parcel of real property to which the lien is attached to redeem the tax lien.".

Amend sec. 5, page 2, by deleting lines 12 and 13 and inserting: "*or other interest in the property. The notice must:*

(1) Be provided at least 30 days before the date of the sale; and

(2) Include the date, time and location of the sale.".

Amend sec. 6, page 2, line 20, by deleting "*direct* " and inserting: "*, upon the request of the county treasurer, authorize*".

Amend sec. 6, page 2, line 28, after "*board* " by inserting: "*, in consultation with the county treasurer,*".

Amend sec. 6, page 2, line 29, after "*delinquent*" by inserting: "*, including penalties and costs,*".

Amend sec. 8, page 3, line 13, after "*lien.*" by inserting: "*The county treasurer may establish and maintain a system of recording the issuance of certificates of purchase.*".

Amend sec. 8, page 3, by deleting lines 14 and 15 and inserting:

"*2. The purchaser shall file the certificate of purchase with the county recorder in the county in which the property is located.*

3. The amount of fees, if any, charged by the county, including, but not limited to, the county treasurer, for the issuance or recordation of a certificate of purchase must be determined by the county and the purchaser of the lien.".

Amend sec. 8, page 3, line 16, by deleting "*3.*" and inserting "*4.*".

Amend sec. 8, page 3, line 21, after "*amount*" by inserting: "*of delinquent tax*".

Amend sec. 8, page 3, line 24, by deleting "*4.*" and inserting "*5.*".

Amend sec. 8, page 3, line 33, after "*amount* " by inserting: "*of delinquent tax*".

Amend sec. 8, page 3, by deleting lines 36 through 40 and inserting:

"*6. Except as otherwise provided in this subsection, the holder of a certificate of purchase shall, to enable a person to redeem a tax lien pursuant to section 11 of this act, maintain within this state:*

(a) A residence or place of business; and

(b) A telephone number at which the holder may be reached at no charge by a person who desires to redeem a tax lien that the holder has purchased. A holder of a certificate of purchase who is not a resident of this state may satisfy the requirements of this subsection by maintaining within this state a resident agent, as that term is defined in NRS 86.125.".

Amend sec. 8, page 3, line 41, by deleting "*6.*" and inserting "*7.*".

Amend the bill as a whole by deleting sections 9 and 10 and renumbering sections 11 through 13 as sections 9 through 11.

Amend sec. 11, page 4, by deleting line 31 and inserting: "*tax lien. The*".

Amend sec. 11, page 4, line 40, by deleting "*directed* " and inserting "*authorized*".

Amend sec. 12, pages 4 and 5, by deleting lines 43 and 44 on page 4 and lines 1 through 14 on page 5 and inserting:

"Sec. 10. *A tax lien which relates to the taxes assessed on a parcel of real* ".

Amend sec. 12, page 5, line 15, by deleting "*earliest* " and inserting "*most recent* ".

Amend sec. 13, page 5, line 19, by deleting "*15,*" and inserting "*12,*".

Amend sec. 13, page 5, by deleting lines 29 through 32 and inserting:

"*2. A person who redeems a tax lien for which a certificate of purchase of the tax lien has been issued must pay to the holder of the certificate the amount stated on the certificate, including interest at the rate stated on the certificate and any fees paid by the holder of the certificate, to the county for which he was to be reimbursed upon redemption of the tax lien.*".

Amend sec. 13, page 6, by deleting lines 1 through 4 and inserting:

"6. A certificate of redemption must be recorded in the office of the county recorder.".

Amend the bill as a whole by deleting sec. 14 and renumbering sections 15 through 18 as sections 12 through 15.

Amend sec. 15, page 6, by deleting line 12 and inserting:

"Sec. 12. *If a tax lien against a parcel of real property which is sold pursuant to the provisions of sections 2 to 12, inclusive, of this act is not redeemed within 2 years after the date on which taxes on that parcel became delinquent pursuant to NRS 361.483, the*".

Amend sec. 16, page 7, line 3, by deleting "*15,*" and inserting "*12,*".

Amend sec. 17, page 7, by deleting lines 16 through 38 and inserting:

"Sec. 14. NRS 361.645 is hereby amended to read as follows:

361.645 [The delinquent list or a copy thereof certified by the county treasurer showing unpaid taxes against any person or property shall be prima facie evidence in any court to prove:

1. The assessment.
2. The property assessed.
3. The delinquency.
4. The amount of taxes due and unpaid.
5. That all the forms of law in relation to the assessment and levy of such taxes have been complied with.]

A certificate of purchase of a tax lien or a copy thereof which is certified by the holder and which indicates the sale of a tax lien to collect unpaid taxes on a parcel of real property is prima facie evidence in any court in an action commenced by the holder of the certificate of purchase to prove:

1. The assessment.
2. The property assessed.
3. The delinquency.
4. The amount of taxes, penalties, interest and costs due and unpaid by the defendant.
5. That all the forms of law in relation to the assessment and levy of those taxes and the sale of the tax lien have been complied with.".

Amend sec. 18, pages 7 and 8, by deleting lines 40 through 44 on page 7 and lines 1 through 4 on page 8 and inserting:

"361.650 1. [Actions authorized by NRS 361.635 shall be commenced in the name of the State of Nevada against the person or persons so delinquent, and against all owners, known or unknown.

2. Such actions] *An action authorized by section 12 of this act must be commenced in the name of the holder of the certificate of purchase of the tax lien against the person or persons delinquent in the payment of the taxes on the parcel of real property which is the subject of the tax lien and against all owners, known or unknown, of that parcel.*

2. Any action described in subsection 1 may be commenced in the".

Amend the bill as a whole by deleting sections 19 through 22 and renumbering sections 23 and 24 as sections 16 and 17.

Amend sec. 23, page 11, by deleting lines 15 through 17 and inserting:

"4. [That the land is situate in, and has been assessed in, another county, and the taxes thereon paid.

5. Fraud] *Alleging fraud* in the assessment, or that the assessment is out".

Amend sec. 23, page 11, line 23, by deleting "*6.*" and inserting "*5.*".

Amend sec. 23, page 11, line 26, by deleting "*7.*" and inserting "*6.*".

Amend sec. 23, page 11, line 27, by deleting "*13* " and inserting "*11* ".

Amend sec. 23, page 11, line 29, by deleting "*13* " and inserting "*11* ".

Amend sec. 24, page 11, line 35, after "*to*" by inserting: "*361.600, inclusive, and 361.605 to*".

Amend the bill as a whole by adding a new section designated sec. 18, and the text of the repealed sections, following sec. 24, to read as follows:

"Sec. 18. NRS 361.635 and 361.640 are hereby repealed.

TEXT OF REPEALED SECTIONS

361.635 Preparation and delivery of certified lists of delinquencies to district attorney; commencement of action.

1. Within 3 days after making the publication required by NRS 361.565, or after the last publication if more than one is made, the county treasurer:

(a) Shall prepare and deliver to the district attorney of his county a list certified to by him of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of $3,000 or more.

(b) May prepare and deliver to the district attorney of his county, a list certified to by him of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of $1,000 or more but less than $3,000.

2. If the delinquent taxes specified in the certified list and penalties and costs are not paid to the county treasurer as ex officio tax receiver within 20 days after the date of delivery of the certified list to the district attorney, the district attorney may, and shall when directed by the board of county commissioners, immediately commence an action for the collection of the delinquent taxes, penalties and costs.

3. The remedy prescribed by this section is in addition to any other remedies provided by law for the collection of delinquent taxes.

361.640 Additional bond of district attorney. Before receiving the delinquent list as provided in NRS 361.635, the district attorney shall enter into such additional bond as may be required by the board of county commissioners.".

Amend the title of the bill by deleting the second through fourth lines and inserting: "property located within the county under certain circumstances; authorizing the county treasurer to conduct a sale of tax liens under certain

circumstances; requiring the county treasurer to issue a certificate of purchase for".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 757.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other penalty provided by law, the administrator may impose an administrative fine on any retailer or dealer who violates the provisions of NRS 574.460, 574.470 or 574.480 in an amount not to exceed:

For the first violation $250

For the second violation..... 500

For each subsequent violation 1,000

2. All fines collected by the administrator pursuant to subsection 1 must be deposited with the state treasurer for credit to the state general fund.

3. As used in this section, "administrator" means the administrator of the division of agriculture of the department of business and industry.

Sec. 2. NRS 574.450 is hereby amended to read as follows:

574.450 1. A retailer or dealer shall, after the acquisition of a cat or dog for resale, cause the cat or dog to be examined by a veterinarian. The retailer or dealer shall not sell the cat or dog before it is initially examined by a veterinarian.

2. A retailer or dealer shall cause a cat or dog acquired for resale to be re-examined by a veterinarian:

(a) Fourteen days after the date of its initial examination; and

(b) Every 30 days thereafter until sold.

3. If a veterinarian conducting an examination pursuant to this section finds that the cat or dog has no illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, he shall provide a written statement setting forth his findings to the retailer or dealer.

4. [A retailer or dealer shall provide to the purchaser of a cat or dog, at the time of sale, written notice of any veterinary treatment or medication

received by the cat or dog after it was acquired by the retailer or dealer, including a copy of any statement provided by a veterinarian pursuant to subsection 3. The notice must be signed by the retailer or dealer, dated and include the dates on which the cat or dog was examined and on which the cat or dog received medication or a vaccination.

5.] A retailer or dealer shall not knowingly sell a cat or dog if it has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention.

[6.] *5.* For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the cat or dog is clinically ill as a result of the parasite.

Sec. 3. NRS 574.460 is hereby amended to read as follows:

574.460 *1.* A retailer or dealer shall , *before selling a cat,* provide the purchaser of [a cat, at the time of sale,] *the cat* with a written statement [containing:

1.] *that discloses:*

(a) The name, address and telephone number of the retailer or dealer.

(b) The date the cat was born, if known.

[2.] *(c)* The name and address of the person from whom the retailer or dealer obtained the cat and, if the person holds a license issued by the United States Department of Agriculture, the person's federal identification number.

[3.] *(d) The name and address of the breeder of the cat, if any, and, if the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal identification number.*

(e) The registration numbers, if any, of the cat's sire and dam with the appropriate breed registry or any health certifications from a health certification organization such as the Orthopedic Foundation for Animals or its successor organization, if any.

(f) A record of any immunizations administered to the cat before the time of sale, including the type of vaccine, date of administration and name and address of the veterinarian who prescribed the vaccine.

[4. Notice of any]

(g) The medical history of the cat, including, without limitation:

(1) The date that a veterinarian examined and, if applicable, re-examined the cat pursuant to subsections 1 and 2 of NRS 574.450 and determined that the cat did not have any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention . [and is apparent at the time of the sale or should have been known from the records of the veterinarian received pursuant to NRS 574.450. The] *For the purposes of this subparagraph, the* presence of internal or external parasites does not constitute an illness, disease or other condition [for which notice must be given pursuant to this subsection] *that is*

terminal or requires immediate hospitalization or immediate surgical intervention, unless the cat is clinically ill as a result of the parasite.

(2) Whether any treatment or medication has been administered by the veterinarian who examined or, if applicable, re-examined the cat pursuant to subsections 1 and 2 of NRS 574.450 and if such treatment or medication was administered, a statement indicating on what date it was administered and for what illness, disease or condition.

(3) The name and address of the veterinarian who performed the examinations or re-examinations or administered any treatments or medications.

(h) That a copy of the veterinarian's evaluation of the health of the cat made pursuant to NRS 574.450 is available to the purchaser.

2. The written statement must be signed and dated by the retailer or dealer and contain a space for the purchaser to sign and date the statement as an attestation that he has read and understands the disclosures contained in the statement.

Sec. 4. NRS 574.470 is hereby amended to read as follows:

574.470 *1.* A retailer or dealer shall *, before selling a dog,* provide the purchaser of [a dog, at the time of sale,] *the dog* with a written statement [containing:

1.] *that discloses:*

(a) The name, address and telephone number of the retailer or dealer.

(b) The date the dog was born, if known.

[2.] *(c)* The name and address of the person from whom the retailer or dealer obtained the dog and, if the person holds a license issued by the United States Department of Agriculture, the person's federal identification number.

[3.] *(d)* The name and address of the breeder of the dog *, if any,* and, if the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal identification number.

[4.] *(e)* The registration numbers, if any, of the dog's sire and dam with the appropriate breed registry or any *health certifications from a* health certification organization such as the Orthopedic Foundation for Animals or its successor organization, if any.

[5.] *(f)* A record of any immunizations administered to the dog before the time of sale, including the type of vaccine, date of administration and name and address of the veterinarian who prescribed the vaccine.

[6. Notice of]

(g) The medical history of the dog, including, without limitation:

(1) The date that a veterinarian examined and, if applicable, re-examined the dog pursuant to subsections 1 and 2 of NRS 574.450 and determined that the dog did not have any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical

intervention . [and is apparent at the time of the sale or should have been known from the records of the veterinarian received pursuant to NRS 574.450. The] *For the purposes of this subparagraph, the* presence of internal or external parasites does not constitute an illness, disease or other condition [for which notice must be given pursuant to this subsection] *that is terminal or requires immediate hospitalization or immediate surgical intervention,* unless the dog is clinically ill as a result of the parasite.

(2) Whether any treatment or medication has been administered by the veterinarian who examined or, if applicable, re-examined the dog pursuant to subsections 1 and 2 of NRS 574.450 and, if such treatment or medication was administered, a statement indicating on what date it was administered and for what illness, disease or condition.

(3) The name and address of the veterinarian who performed the examinations or re-examinations or administered any treatments or medications.

(h) That a copy of the veterinarian's evaluation of the health of the dog performed pursuant to NRS 574.450 is available to the purchaser.

2. The written statement must be signed and dated by the retailer or dealer and contain a space for the purchaser to sign and date the statement as an attestation that he has read and understands the disclosures contained in the statement.

Sec. 5. NRS 574.480 is hereby amended to read as follows:

574.480 A retailer or dealer shall conspicuously post within close proximity to the primary enclosure of a dog or cat offered for sale the following notice *printed* in at least [100-point type: INFORMATION ON THE] *48-point type upon paper that is at least 11 inches wide and 17 inches long:*

NEVADA LAW REQUIRES THAT INFORMATION CONCERNING THE DATE OF BIRTH, SOURCE , *LINEAGE AND MEDICAL HISTORY* OF THESE DOGS (OR CATS) [, AND OF VETERINARY TREATMENTS RECEIVED BY THESE DOGS (OR CATS), IS AVAILABLE FOR REVIEW.] *BE PROVIDED TO THE PURCHASER BEFORE THE COMPLETION OF ANY SALE.*".

Amend the title of the bill to read as follows: "An Act relating to pets; requiring that a retailer or dealer of dogs or cats provide certain information concerning the history of a dog or cat to any purchaser before the completion of the sale; providing a penalty; and providing other matters properly relating thereto.". Amend the summary of the bill, first line, by deleting the period and inserting "and cats.".

Assemblywoman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblywoman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 405 be placed on the Chief Clerk's desk after reprint.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Price moved that Assembly Bill No. 380 be re-referred to the Committee on Taxation after reprint.

Remarks by Assemblyman Price.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 454.

Bill read second time.

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

Amendment No. 820.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting:

"350.020 1. Except as otherwise [permitted] *provided* by subsection 3, [when any] *if a* municipality proposes to issue or incur".

Amend section 1, page 1, line 5 by deleting "primary" and inserting "[primary".

Amend section 1, page 1, by deleting line 6 and inserting: "or] general municipal election or [primary or] general state election.".

Amend section 1, page 1, line 9, by deleting the open bracket.

Amend section 1, page 1, line 14, by deleting "unexpected" and inserting "[unexpected]".

Amend section 1, page 1, line 18, by deleting the closed bracket.

Amend section 1, page 2, by deleting lines 1 through 10.

Amend section 1, page 2, line 11, by deleting "*5.*" and inserting "3.".

Amend section 1, page 2, line 39, by deleting "[4.] *6.*" and inserting "4.".

Amend section 1, pages 2 and 3, by deleting lines 41 through 43 on page 2 and lines 1 and 2 on page 3.

Amend the bill as a whole by deleting sections 2 through 10.

Amend the title of the bill to read as follows: "An Act relating to municipal obligations; eliminating the authority of a municipality to propose the issuance or incurrence of general obligation bonds at a primary municipal election or a primary general election; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Eliminates authority of municipality to propose issuance or incurrence of general obligation bonds at primary elections. (BDR 30-927)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 498.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 783.

Amend section 1, page 1, line 2, by deleting "10," and inserting "9,".

Amend sec. 2, page 1, line 3, by deleting "*10,*" and inserting "*9,*".

Amend the bill as a whole by deleting sections 4 and 5 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. *"Residential dwelling" means any dwelling that is:*

1. Designed or intended for occupancy as a single-family residence;

2. Occupied by the owner of that dwelling; and

3. Located in a county whose population is more than 400,000.

The term includes the lot, parcel or other real property upon which the dwelling is situated.

Sec. 5. *1. No person may commence a civil action to enforce a lien for labor performed or materials furnished by him for a residential dwelling in any court in this state pursuant to the provisions of NRS 108.221 to 108.246, inclusive, unless the lien has been submitted to arbitration pursuant to the provisions of sections 2 to 9, inclusive, of this act.*

2. A court shall dismiss any civil action that is commenced in violation of the provisions of subsection 1.".

Amend sec. 6, page 2, by deleting line 24 and inserting:

"*3. Before a lien may be submitted for arbitration pursuant to the provisions of sections 2 to 9, inclusive, of this act, each person who:*

(a) Claims a lien pursuant to NRS 108.221 to 108.246, inclusive, as a result of any labor performed or materials furnished for which a written claim is filed pursuant to this section; and

(b) Has not filed a written claim for that lien pursuant to this section, must be joined in the initial claim filed pursuant to this section.

4. Upon the filing of a claim pursuant to this section, each claimant shall serve a copy of his".

Amend sec. 6, page 2, line 28, by deleting "*10,*" and inserting "*9,*".

Amend sec. 6, page 2, line 29, by deleting "*4.*" and inserting "*5.*".

Amend sec. 7, page 2, line 33, after "*named*" by inserting "*or joined*".

Amend sec. 7, page 2, line 41, by deleting "*10,*" and inserting "*9,*".

Amend sec. 7, page 3, line 3, after "*3.*" by inserting: *An award made pursuant to the provisions of sections 2 to 9, inclusive, of this act may include:*

(a) An order foreclosing any lien that is the subject of arbitration conducted pursuant to those sections; and

(b) An award of any costs and attorney's fees incurred by the prevailing party.

4.".

Amend sec. 7, page 3, by deleting lines 10 through 12 and inserting: "*attorney's fees incurred by the opposing party as a result of the arbitration of a lien pursuant to the provisions of sections 2 to 9, inclusive, of this act.*".

Amend sec. 7, page 3, line 13, by deleting "*4.*" and inserting "*5.*".

Amend sec. 7, page 3, line 16, by deleting "*5.*" and inserting "*6.*".

Amend sec. 8, page 3, line 19, by deleting "*10,*" and inserting "*9,*".

Amend sec. 8, page 3, line 33, by deleting "*10,*" and inserting "*9,*".

Amend the bill as a whole by deleting sec. 9 and renumbering sec. 10 as sec. 9.

Amend sec. 10, page 3, line 39, by deleting "*10,*" and inserting "*9,*".

Amend sec. 10, page 4, line 2, by deleting "*10,*" and inserting "*9,*".

Amend the bill as a whole by deleting sec. 11 and renumbering sections 12 through 15 as sections 10 through 13.

Amend sec. 12, page 5, line 14, by deleting "*10,*" and inserting "*9,*".

Amend sec. 13, page 6, line 30, by deleting "*10,*" and inserting "*9,*".

Amend sec. 14, page 7, line 17, after "this" by inserting "act".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 542.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 779.

Amend sec. 2, page 1, line 3, by deleting "*1.*".

Amend sec. 2, page 1, by deleting lines 5 through 9 and inserting: "*the person pursuant to NRS 483.810 to 483.890, inclusive:*

1. A designation indicating that the person is a seasonal resident; and

2. A statement indicating that the person holds a valid driver's license from another state or jurisdiction.".

Amend sec. 4, page 1, by deleting lines 15 and 16 and inserting: "for [residents] *:*

(a) Residents who are 10 years of age or older *and who do not hold a valid driver's license or identification card from any state or jurisdiction; and*

(b) Seasonal residents who are 10 years of age or older and who do not hold a *valid Nevada* driver's license.".

Amend sec. 5, page 2, by deleting lines 4 through 7 and inserting:

"483.820 1. [Every] *A person who makes an application pursuant to this chapter who:*

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

(b) Is a seasonal resident who does not hold a *valid* Nevada driver's license , [and makes an application as provided in this chapter]
is entitled to receive an identification card.".

Amend sec. 5, page 2, by deleting lines 17 and 18 and inserting:

"A new photograph, change of name, change of [address] *other information, except address,* or any combination .....4".

Amend sec. 6, page 2, by deleting line 31 and inserting:

"(b) The unique identification number assigned to the holder *which must not be* based on the".

Amend sec. 7, page 3, by deleting lines 8 and 9 and inserting:

"(e) His current address [.] *in this state, unless the applicant is on active duty in the military service of the United States.*

(f) A statement *from:*

(1) A resident stating that he does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he does not [possess] *hold* a valid Nevada driver's license.".

Amend sec. 8, page 3, by deleting line 15 and inserting:

"483.870 1. An identification card [once] *that is* issued *to:*

(a) A seasonal resident remains valid so long as".

Amend sec. 8, page 3, line 18, after "surrendered" by inserting: "*by a seasonal resident* ".

Amend sec. 8, page 3, between lines 19 and 20 by inserting:

"*(b) A resident remains valid so long as the person does not become licensed in any state or jurisdiction to drive a motor vehicle and the facts and circumstances declared in the application and stated in the card do not change. An identification card must be surrendered by a resident upon issuance of a driver's license from any state or jurisdiction.*".

Amend the title of the bill to read as follows: "An Act relating to identification cards for certain persons; authorizing the department of motor vehicles and public safety to issue identification cards to certain persons; providing that the address on an identification card may be changed without having to pay a fee; requiring that the unique identification number that appears on an identification card not be based on the holder's social security number; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 549 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Perkins.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 566.

Bill read second time.

The following amendment was proposed by the Committee on Infrastructure:

Amendment No. 861.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sections 3 and 4 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 271.235 is hereby amended to read as follows:

271.235 "Tract" means [any] :

1. A tract, lot or other parcel of land for assessment purposes, whether platted or unplatted, regardless of lot or land lines [.] *; or*

2. A leasehold interest for assessment purposes, which is designated as assessable property pursuant to subsection 2 of NRS 271.370.

Lots, plots, blocks and other subdivisions may be designated in accordance with any recorded plat thereof [;] and all lands, platted and unplatted, [shall] *must* be designated by a definite description. For all purposes of the Consolidated Local Improvements Law and any law amendatory thereof or supplemental thereto, any tract *or leasehold interest* which is assessable property in an improvement district may be legally described pursuant to NRS 361.189.".

Amend the title of the bill by deleting the second and third lines and inserting: "leasehold interests; and".

mend the summary of the bill to read as follows: "Summary—Allows municipality to assess certain leasehold interests within local improvement districts. (BDR 21-1737)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 580.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 816.

Amend section 1, page 1, line 4, after "*meeting,*" by inserting: "*upon request for a secret ballot*".

Amend section 1, page 1, by deleting lines 6 through 8 and inserting:

"*2. If a vote is taken by secret ballot, the secretary shall count, or the president may appoint tellers to count, the ballots cast.*".

Amend the bill as a whole by deleting sections 3 through 5 and renumbering sections 6 and 7 as sections 3 and 4.

Amend sec. 7, page 3, line 18, by deleting "*6* " and inserting "*3*".

Amend the bill as a whole by deleting sections 8 through 10 and inserting a new section designated sec. 5, following sec. 7, to read as follows:

"Sec. 5. Any declaration or bylaw of a common-interest community in effect on October 1, 1997, which does not conform to section 1 of this act shall be deemed to have been conformed to section 1 of this act by operation of law. Notwithstanding any other provision of law to the contrary, not later than October 1, 1998, any such provision of a declaration or bylaw must be changed to conform with section 1 of this act and may be so changed without complying with the procedural requirements generally applicable to the adoption of an amendment to such a declaration or bylaw.".

Amend the title of the bill to read as follows: "An Act relating to property rights; requiring the use of a secret ballot for voting at a meeting of a unit-owners' association in a common-interest community when requested; prohibiting discrimination in common-interest communities; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 606.

Bill read second time and ordered to third reading.

Senate Bill No. 137.

Bill read second time and ordered to third reading.

Senate Bill No. 172.

Bill read second time and ordered to third reading.

Senate Bill No. 177.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 353 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Goldwater.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 183.

Bill read second time and ordered to third reading.

Senate Bill No. 184.

Bill read second time and ordered to third reading.

Senate Bill No. 185.

Bill read second time and ordered to third reading.

Senate Bill No. 231.

Bill read second time and ordered to third reading.

Senate Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 823.

Amend section 1, page 3, by deleting lines 8 through 10.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: "state department of conservation and natural resources; and providing other matters properly relating thereto.".

Assemblywoman de Braga moved that Senate Bill No. 398 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman de Braga.

Motion carried.

Senate Bill No. 417.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 13.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 210, 222, 260, 303, 349, 399, 442; Senate Bills Nos. 31, 167, 345 be placed on the General File.

Motion carried.

Assemblywoman Cegavske moved that Assembly Bill No. 404 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Cegavske.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 210 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 257 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblyman Carpenter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 12:59 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 353.

Bill read second time.

The following amendment was proposed by the Committee on Infrastructure:

Amendment No. 872.

Amend the bill as a whole by deleting sections 1 through 23 and adding new sections designated sections 1 through 31, following the enacting clause, to read as follows:

"Section 1. NRS 385.125 is hereby amended to read as follows:

385.125 1. The *state* board may adopt standard plans , *designs* and specifications for the construction of school buildings by the boards of trustees of the various school districts. If such plans , *designs* and specifications are adopted, provision [shall] *must* be made for the production and distribution of such plans , *designs* and specifications by appropriate rules and regulations. The board of trustees of a school district may use any such plans , *designs* and specifications if it determines that [they] *the plans, designs and specifications* are in the best interests of the district.

2. [Prior to] *Before* the adoption of any such standard plans , *designs* and specifications, the *state* board shall submit [them] *the plans, designs and specifications* to the state public works board, whose written approval thereof [shall] *must* be obtained [prior to] *before* any further consideration by the *state* board. *The state public works board shall ensure that the plans, designs and specifications comply with all applicable requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 to 12213, inclusive).*

3. The state public works board may charge and collect and the *state* board may pay a reasonable fee for the costs incurred by the state public works board in approving the standard plans , *designs* and specifications submitted.

Sec. 2. NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the vehicle privilege tax whose allocation to the school district pursuant to NRS 482.180 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. The proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962 and 375.070 may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 3. NRS 387.335 is hereby amended to read as follows:

387.335 1. The board of trustees of a county school district may issue its general obligations to raise money for the following purposes, and no others:

(a) Construction , *design* or purchase of new buildings for schools, including , but not limited to , teacherages, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including , but not limited to , teacherages, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including , but not limited to , playgrounds, athletic fields and sites for stadiums.

(d) *Paying expenses relating to the acquisition of school facilities which have been leased by a school district pursuant to NRS 393.080.*

(e) Purchasing necessary furniture and equipment for schools. If money from the issuance of general obligations is used to purchase furniture and equipment to replace existing furniture and equipment, and that existing furniture and equipment subsequently is sold, the proceeds from the sale must be applied toward the retirement of those obligations.

2. Any one or more of the purposes enumerated in subsection 1 may, by order of the board of trustees entered in its minutes, be united and voted upon as one single proposition.

3. Any question submitted pursuant to this section and any question submitted pursuant to NRS 387.3285 may, by order of the board of trustees entered in its minutes, be united and voted upon as a single proposition.

Sec. 4. NRS 387.531 is hereby amended to read as follows:

387.531 1. Notwithstanding the provisions of any other law, the boards of trustees of county school districts are authorized and empowered to acquire any or all of the facilities or projects specified in [paragraphs (a) to (d), inclusive, of] subsection 1 of NRS 387.335 jointly, as [moneys] *money* may be made available therefor, including , but not [necessarily] limited to , proceeds of bonds issued pursuant to this chapter.

2. Subject to the provisions of NRS 387.541, each such county school district, acting by and through its board of trustees, is authorized and empowered, in its name and upon its behalf, to issue the school district's negotiable, coupon, general obligation bonds for defraying all or any part of the cost of the facility or project.

Sec. 5. Chapter 393 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. *1. The board of trustees of each school district shall establish an oversight panel for school facilities. Members of the oversight panel must be appointed pursuant to subsections 2, 3 and 4.*

2. An oversight panel established in a county whose population is less than 100,000 and which has less than four incorporated cities must consist of seven members selected as follows:

(a) Four members who are elected representatives of local government, to be determined as follows:

(1) In a county that has no incorporated cities or elected town boards, three members of the board of county commissioners and one other elected county officer who are appointed by a majority vote of the board of county commissioners;

(2) In a county that has only one incorporated city or one elected town board, two members of the board of county commissioners appointed by a majority vote of the board of county commissioners and two members of the governing body of the incorporated city or the elected town board appointed by a majority vote of the governing body or town board of which the persons are members;

(3) In a county that has only two incorporated cities, two elected town boards or one incorporated city and one elected town board, two members of the board of county commissioners appointed by a majority vote of the board of county commissioners and two members of the governing bodies of the incorporated cities or the elected town boards or, if applicable, one member of the governing body of the incorporated city and one member of the town board, appointed by a majority vote of the governing body or town board of which the persons are members; or

(4) In any other county, one member of the board of county commissioners and any combination of three members appointed by a majority vote of the board of county commissioners from the governing bodies of the incorporated cities or the elected town boards.

(b) Three members appointed by a majority vote of the board of trustees of the county school district, to be determined as follows:

(1) One member who is a representative of private business;

(2) One member who is a representative of the construction industry; and

(3) One member who is a representative of the general public and has an interest in education.

3. An oversight panel established in a county whose population is less than 100,000 and which has at least four incorporated cities must consist of nine members selected as follows:

(a) One member of the board of county commissioners appointed by a majority vote of the board of county commissioners;

(b) One member of the governing body of each of the four largest incorporated cities in the county, each of whom is appointed by a majority vote of the governing body of which he is a member; and

(c) Four members appointed by a majority vote of the board of trustees of the county school district to be determined as follows:

(1) One member who is a representative of private business;

(2) One member who is a representative of the construction industry; and

(3) Two members who are representatives of the general public and have an interest in education.

4. An oversight panel established in a county whose population is 100,000 or more must consist of eleven members selected as follows:

(a) Six members who are elected representatives of local government, to be determined as follows:

(1) One member of the board of county commissioners appointed by a majority vote of the board of county commissioners;

(2) One member of the governing body of each incorporated city in the county, each of whom is appointed by a majority vote of the governing body of which he is a member; and

(3) If the membership determined pursuant to subparagraphs (1) and (2) is less than six, one additional member of the board of county commissioners appointed by a majority vote of the board of county commissioners and, if applicable, additional members of the governing bodies of incorporated cities in the county, each of whom must be appointed by a majority vote of the governing body of which he is a member, until six members have been appointed. If the membership determined pursuant to this paragraph would result in an unequal number of representatives among the incorporated cities, the membership of the incorporated cities on the oversight panel must be rotated and the board of county commissioners shall draw lots to determine which city or cities will be first represented, which next, and so on.

(b) Five members appointed by the board of trustees of the county school district to be determined as follows:

(1) One member who has experience in structural or civil engineering;

(2) One member who has experience in matters relating to the construction of public works projects;

(3) One member who has experience in the financing or estimation of the cost of construction projects;

(4) One member who is a representative of the gaming industry; and

(5) One member who is a representative of the general public who has an interest in education.

5. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

Sec. 7. *The board of trustees of a school district shall:*

1. Provide administrative support to the oversight panel for school facilities established by the board of trustees pursuant to section 6 of this act; and

2. Comply with all requests by the oversight panel for information.

Sec. 8. *1. On or before July 1 of each even-numbered year, each oversight panel for school facilities created pursuant to section 6 of this act shall submit to the director of the legislative counsel bureau for transmittal to the next regular session of the legislature written recommendations for financing the costs of new construction, design, maintenance and repair of school facilities.*

2. In a county whose population is 400,000 or more, the oversight panel for school facilities shall review and approve or disapprove a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020.

Sec. 9. NRS 393.080 is hereby amended to read as follows:

393.080 1. The board of trustees of a school district may:

(a) Build, purchase or rent schoolhouses and other school buildings, including , but not limited to , teacherages, gymnasiums and stadiums, and dormitories and dining halls as provided in NRS 393.090.

(b) *Enter into lease agreements for school facilities with an option to purchase the facilities.*

(c) Change the location of schools.

[(c)] *(d)* Close a school or change the use of the school building to a purpose other than the teaching of kindergarten through 12th grade.

[(d)] *(e)* Supervise and inspect the work performed pursuant to a contract to which the provisions of NRS 393.110 apply.

2. Any board of trustees which proposes to change the location of a school, close a school or change the use of a school building as provided in subsection 1 shall give 30 days' written notice to the principal and teachers of the affected school and to the parents of the children attending that school. In addition the board *of trustees* shall publish a notice of the subject, time and place of the meeting at which the matter will be considered, in a newspaper of general circulation in the county at least 10 days before the meeting.

Sec. 10. NRS 393.110 is hereby amended to read as follows:

393.110 1. Except as otherwise provided in subsection 2:

(a) Unless standard plans , *designs and specifications* are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building, the board of trustees of a school district shall submit plans , *designs and specifications* therefor to and obtain the written approval of the plans , *designs and specifications* by the state public works board. The state public works board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the

payment of any costs incurred by the state public works board in securing the approval of qualified architects or engineers of the plans , *designs and specifications* submitted by the board of trustees in compliance with the provisions of this paragraph.

(b) Before letting any contract or contracts for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, the board of trustees of a school district shall submit plans , *designs and specifications* therefor to and obtain the written approval of the plans , *designs and specifications* by the state public works board. The state public works board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the state public works board in securing the approval of qualified architects or engineers of the plans , *designs and specifications* submitted by the board of trustees in compliance with the provisions of this paragraph.

The state public works board shall ensure that all plans, designs and specifications that it reviews pursuant to this section comply with all applicable requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 to 12213, inclusive).

2. Upon the request of a board of trustees of a school district, or its designated representative, the state public works board may waive the requirements specified in subsection 1 and delegate its powers and duties thereunder to the district.

3. If the state public works board waives the requirements of subsection 1 and delegates its powers and duties thereunder to a school district, the school district shall submit a copy of its final plans , *designs and specifications* for any project to which that section applies to the building and planning department of the appropriate city or county before completion of the project.

4. No contract for any of the purposes specified in subsection 1 made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.

Sec. 11. NRS 244.3352 is hereby amended to read as follows:

244.3352 1. The board of county commissioners [in each county] *:*

(a) In a county whose population is 400,000 or more, shall impose a tax at a rate of 2 percent; and

(b) In a county whose population is less than 400,000, shall impose a tax at the rate of 1 percent ,

of the gross receipts from the rental of transient lodging in that county upon all persons in the business of providing lodging. This tax must be imposed by the board of county commissioners in each county, regardless of the existence or nonexistence of any other license fee or tax imposed on the

revenues from the rental of transient lodging. The ordinance imposing the tax must include a schedule for the payment of the tax and the provisions of subsection 4.

2. The tax imposed pursuant to subsection 1 must be collected and administered pursuant to NRS 244.335.

3. The tax imposed pursuant to subsection 1 may be collected from the paying guests and may be shown as an addition to the charge for the rental of transient lodging. The person providing the transient lodging is liable to the county for the tax whether or not it is actually collected from the paying guest.

4. If the tax imposed pursuant to subsection 1 is not paid within the time set forth in the schedule for payment, the county shall charge and collect in addition to the tax:

(a) A penalty of not more than 10 percent of the amount due, exclusive of interest, or an administrative fee established by the board of county commissioners, whichever is greater; and

(b) Interest on the amount due at the rate of not more than 1.5 percent per month or fraction thereof from the date on which the tax became due until the date of payment.

5. As used in this section, "gross receipts from the rental of transient lodging" does not include the tax imposed and collected from paying guests pursuant to this section or NRS 268.096.

Sec. 12. NRS 244.3354 is hereby amended to read as follows:

244.3354 [1.] The proceeds of the tax imposed pursuant to NRS 244.3352 and any applicable penalty or interest must be distributed as follows:

1. In a county whose population is 400,000 or more:

(a) Three-eighths of the first 1 percent of the proceeds must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) The remaining proceeds must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

2. In a county whose population is less than 400,000:

(a) Three-eighths must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) Five-eighths must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the board of county commissioners, to be used to advertise the resources of that county related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.

[2. In a county whose population is 400,000 or more, the money deposited pursuant to paragraph (b) of subsection 1 may also be used in the manner authorized by NRS 244A.622.]

Sec. 13. NRS 244.3359 is hereby amended to read as follows:

244.3359 1. A county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351 [.] *and 244.3352.*

2. A county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991.

3. The legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.

Sec. 14. NRS 268.096 is hereby amended to read as follows:

268.096 1. The city council or other governing body of each incorporated city *:*

(a) In a county whose population is 400,000 or more, shall impose a tax at a rate of 2 percent; and

(b) In a county whose population is less than 400,000, shall impose a tax at the rate of 1 percent *,*

of the gross receipts from the rental of transient lodging in that city upon all persons in the business of providing lodging. This tax must be imposed by the city council or other governing body of each incorporated city, regardless of the existence or nonexistence of any other license fee or tax imposed on the revenues from the rental of transient lodging. The ordinance imposing the tax must include a schedule for the payment of the tax and the provisions of subsection 4.

2. The tax imposed pursuant to subsection 1 must be collected and administered pursuant to NRS 268.095.

3. The tax imposed pursuant to subsection 1 may be collected from the paying guests and may be shown as an addition to the charge for the rental of transient lodging. The person providing the transient lodging is liable to the city for the tax whether or not it is actually collected from the paying guest.

4. If the tax imposed pursuant to subsection 1 is not paid within the time set forth in the schedule for payment, the city shall charge and collect in addition to the tax:

(a) A penalty of not more than 10 percent of the amount due, exclusive of interest, or an administrative fee established by the governing body, whichever is greater; and

(b) Interest on the amount due at the rate of not more than 1.5 percent per month or fraction thereof from the date on which the tax became due until the date of payment.

5. As used in this section, "gross receipts from the rental of transient lodging" does not include the tax imposed or collected from paying guests pursuant to this section or NRS 244.3352.

Sec. 15. NRS 268.0962 is hereby amended to read as follows:

268.0962 [1.] The proceeds of the tax imposed pursuant to NRS 268.096 and any applicable penalty or interest must be distributed as follows:

1. In a county whose population is 400,000 or more:

(a) Three-eighths of the first 1 percent of the proceeds must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) The remaining proceeds must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

2. In a county whose population is less than 400,000:

(a) Three-eighths must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) Five-eighths must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the city council or other governing body of the incorporated city, to be used to advertise the resources of that county or incorporated city related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.

[2. In a county whose population is 400,000 or more, the money deposited pursuant to paragraph (b) of subsection 1 may also be used in the manner authorized by NRS 244A.622.]

Sec. 16. NRS 268.0968 is hereby amended to read as follows:

268.0968 1. Except as otherwise provided in NRS *268.096 and* 268.801 to 268.808, inclusive, a city located in a county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991.

2. A city located in a county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991.

3. The legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of an increase in such a tax for the promotion of tourism or for the

construction or operation of tourism facilities by a convention and visitors authority.

Sec. 17. NRS 350.004 is hereby amended to read as follows:

350.004 1. Before any proposal to incur a general obligation debt or levy a special elective tax may be submitted to the electors of a municipality, *before any issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020* or before any other formal action may be taken preliminary to the incurrence of any general obligation debt, the proposed incurrence or levy must receive the favorable vote of two-thirds of the members of the commission of each county in which the municipality is situated.

2. Before the board of trustees of a district organized or reorganized pursuant to chapter 318 of NRS whose population within its boundaries is less than 5,000, borrows money or issues securities to evidence such borrowing, other than securities representing a general obligation debt, the proposed borrowing or issuing of securities must receive the favorable vote of a majority of the members of the commission of each county in which the district is situated.

3. When any municipality other than a general improvement district whose population within its boundaries is less than 5,000, issues any special obligations, it shall so notify in its annual report the commission of each county in which any of its territory is situated.

4. The commission shall not approve any proposal submitted to it pursuant to this section by a municipality:

(a) Which, if the proposal is for the financing of a capital improvement, is not included in its plan for capital improvement submitted pursuant to NRS 350.0035, if such a plan is required to be submitted; or

(b) If, based upon:

(1) Estimates of the amount of tax revenue from ad valorem taxes needed for the special elective tax, or to repay the general obligation debt, and the dates that revenue will be needed, as provided by the municipality;

(2) Estimates of the assessed valuation of the municipality for each of the years in which tax revenue is needed, as provided by the municipality;

(3) The amount of any other required levies of ad valorem taxes, as shown on the most recently filed final budgets of each entity authorized to levy ad valorem taxes on any property within the municipality submitting the proposal; and

(4) Any other factor the municipality discloses to the commission,

the proposal would result in a combined property tax rate in any of the overlapping entities within the county which exceeds the limit provided in NRS 361.453, unless the proposal also includes an agreement approved by the governing bodies of all affected municipalities within the area as to how the combined property tax rates will be brought into compliance with the statutory limitation.

5. If general obligation debt is to be incurred more than 36 months after the approval of that debt by the commission, the governing body of the municipality shall obtain the approval of the executive director of the department of taxation before incurring the general obligation debt. The executive director shall approve the proposal if, based on the information set forth in paragraph (b) of subsection 4 that is accurate as of the date on which the governing body submits its request for approval to the executive director:

(a) Incurrence of the general obligation debt will not result in a combined property tax rate in any of the overlapping entities within the county which exceeds the limit provided in NRS 361.453; or

(b) The proposal includes an agreement approved by the governing bodies of all affected municipalities within the area as to how the combined tax rates will be brought into compliance with the statutory limitation.

The approval of the executive director is effective for 18 months. The governing body of the municipality may renew that approval for successive periods of 18 months by filing an application for renewal with the executive director. Such an application must be accompanied by the information set forth in paragraph (b) of subsection 4 that is accurate as of the date the governing body files the application for renewal.

6. If the executive director does not approve a proposal submitted to him pursuant to subsection 5, the governing body of the municipality may appeal his decision to the Nevada tax commission.

Sec. 18. NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise [permitted by subsection 3, when] *provided by subsections 3 and 4, if* any municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next primary or general municipal election or primary or general state election.

2. A special election may be held only if the governing body of the municipality determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged

revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 60 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality who together with any corporate petitioners own not less than 2 percent in assessed value of the taxable property of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election and assessed values must be determined from the next preceding final assessment roll. An authorized corporate officer may sign such a petition whether or not he is a registered voter. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. *Until June 30, 2008, the board of trustees of a school district in a county whose population is 400,000 or more may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds in such a manner. If the question is approved, the board of trustees of the school district may issue the bonds, after obtaining the approval of the debt management commission and the oversight panel for school facilities in the county in which the school district is located, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.085 to 350.095, inclusive.*

5. *At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund*

for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district. If the amount in the reserve account falls below the amount required by this subsection:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by this subsection; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to this subsection.

6. A municipality may issue special or medium-term obligations without an election.

Sec. 19. NRS 350.2013 is hereby amended to read as follows:

350.2013 [No] *Except as otherwise provided in subsection 4 of NRS 350.020, no* security may be issued or sold by a political subdivision of this state after the expiration of 6 years from the date of the election authorizing such issue, if an election is required by any law whenever enacted.

Sec. 20. NRS 375.020 is hereby amended to read as follows:

375.020 1. A tax, at the rate of [65 cents] *:*

(a) In a county whose population is 400,000 or more, $1.25; and

(b) In a county whose population is less than 400,000, 65 cents,

for each $500 of value or fraction thereof, is hereby imposed on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, if the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining on the interest or property at the time of sale, exceeds $100.

2. The amount of tax must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.

Sec. 21. NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the real property transfer tax at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof must be transmitted to the state treasurer who shall deposit that amount in the account for low-income housing created pursuant to NRS 319.500.

(b) *In a county whose population is more than 400,000, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each $500*

of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

(c) The remaining proceeds must be transmitted to the county treasurer, who shall in Carson City, and in any county where there are no incorporated cities, deposit them all in the general fund, and in other counties deposit 25 percent of them in the general fund and apportion the remainder as follows:

(1) If there is one incorporated city in the county, between that city and the county general fund in proportion to the respective populations of the city and the unincorporated area of the county.

(2) If there are two or more cities in the county, among the cities in proportion to their respective populations.

2. If there is any incorporated city in a county, the county recorder shall charge each city a fee equal to 2 percent of the real property transfer tax which is transferred to that city.

Sec. 22. As used in sections 22 to 25, inclusive, of this act, unless the context otherwise requires:

1. "Commission" means the state planning commission for the new construction, design, maintenance and repair of school facilities created pursuant to section 23 of this act.

2. "Construction" means the use of the resources of material and labor to produce a facility or structure, including, but not limited to, assembling, building or erecting.

3. "Design" means any short-term or long-term planning relating to the design of school facilities that is conducted before the solicitation of bids, including, but not limited to, architectural plans.

4. "Maintenance" means activities to preserve the useful life of a facility or structure.

5. "Repair" means activities of construction or maintenance to restore the useful function of a facility or structure.

Sec. 23. 1. There is hereby created the state planning commission for the new construction, design, maintenance and repair of school facilities. The membership of the commission consists of nine members selected as follows:

(a) One member of the senate standing committee on finance, appointed by the majority leader of the senate;

(b) One member of the senate standing committee on human resources and facilities, appointed by the majority leader of the senate;

(c) One member of the assembly standing committee on ways and means, appointed by the speaker of the assembly;

(d) One member of the assembly standing committee on education, appointed by the speaker of the assembly;

(e) The superintendent of public instruction; and

(f) Four members appointed by the governor, one of whom must be a representative of the construction industry.

2. The members of the commission shall elect a chairman from among their members.

3. Except during a regular or special session of the legislature, for each day or portion of a day during which a member of the commission who is a legislator attends a meeting of the commission or is otherwise engaged in the work of the commission, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the members of the commission who are legislators must be paid from the legislative fund.

4. For each day or portion of a day during which a member of the commission who is not a legislator attends a meeting of the commission or is otherwise engaged in the work of the commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, if the legislature has made an appropriation or otherwise made available money for this purpose.

Sec. 24. 1. The commission shall hold at least four meetings annually and may hold additional meetings at the call of the chairman.

2. The commission, in consultation with the state public works board or its designee shall:

(a) Analyze the projections for the enrollment of pupils in each school district for the succeeding 10 years;

(b) Enter into a contract with a qualified, independent consultant to conduct an evaluation of existing school facilities in each school district in this state and to provide additional assistance as requested by the commission;

(c) Based upon the evaluation, determine the need, if any, for:

(1) The maintenance and repair of existing school facilities in each school district, including, without limitation, the costs of such maintenance or repair; and

(2) New school facilities in each school district, including, without limitation, the costs of such new facilities;

(d) Determine whether the current system of financing the costs of new construction, design, maintenance and repair of school facilities is sufficient to:

(1) Pay the interest and redemption of outstanding bonds of each school district; and

(2) Meet the needs for new school facilities and the maintenance and repair of existing school facilities in each school district;

(e) Analyze the efforts being made by each school district relating to the financing of the costs of the construction, design, maintenance and repair of school facilities;

(f) Consider the manner in which the boards of trustees of school districts in this state may enter into agreements with the University and Community College System of Nevada to share resources and facilities;

(g) Determine the feasibility of adopting uniform plans for the construction of new school facilities throughout this state; and

(h) Identify any improvements that are necessary to ensure that existing school facilities comply with all applicable requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 to 12213, inclusive).

3. On or before December 1, 1998, the commission shall, based upon the evaluation of existing school facilities conducted by the consultant pursuant to this section and the written recommendations and other information submitted by each oversight panel for school facilities pursuant to section 25 of this act, develop a plan by which each school district in this state may adequately finance the costs of new construction, design, maintenance and repair of school facilities in the school district. The plan must provide for the efficient use of resources in the new construction, design, maintenance and repair of school facilities.

4. On or before December 31, 1998, the commission shall submit to the director of the legislative counsel bureau for transmission to the 70th session of the Nevada legislature:

(a) A written report of its findings pursuant to subsection 2;

(b) The plan developed by the commission pursuant to subsection 3; and

(c) Any recommendations for legislation that are not contained in the plan.

5. The board of trustees of each school district shall:

(a) Comply with all requests by the commission for information, including, without limitation, the projections for the enrollment of pupils in a school district for the succeeding 10 years; and

(b) Otherwise cooperate with the commission in carrying out its duties pursuant to this section.

Sec. 25. 1. On or before July 1, 1998, each oversight panel for school facilities created pursuant to section 6 of this act shall:

(a) Submit to the commission written recommendations for financing the costs of new construction, design, maintenance and repair of school facilities;

(b) Provide any other information relating to the new construction, design, maintenance and repair of school facilities requested by the commission; and

(c) Otherwise work cooperatively with the commission in the development and revision of a plan for financing the costs of new construction, design, maintenance and repair of school facilities.

2. In a county whose population is 400,000 or more, the oversight panel for school facilities shall review and approve or disapprove a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020.

Sec. 26. Section 8 of this act is hereby amended to read as follows:

Sec. 8. [1.] On or before July 1 of each even-numbered year, each oversight panel for school facilities created pursuant to section 6 of this act shall submit to the director of the legislative counsel bureau for transmittal to the next regular session of the legislature written recommendations for financing the costs of new construction, design, maintenance and repair of school facilities.

[2. In a county whose population is 400,000 or more, the oversight panel for school facilities shall review and approve or disapprove a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020.]

Sec. 27. On or before September 1, 1997, the appointing authorities set forth in section 6 of this act shall appoint the members to each oversight panel for school facilities created pursuant to section 6 of this act. The initial terms of the members who are elected representatives of local government expire on December 31, 1998. The initial terms of the remaining members of the oversight panel expire on December 31, 1999.

Sec. 28. As soon as practicable, the governor, the majority leader of the senate and the speaker of the assembly shall, pursuant to section 23 of this act, appoint the members of the state planning commission for the new construction, design, maintenance and repair of school facilities.

Sec. 29. 1. There is hereby appropriated from the state general fund to the state planning commission for the new construction, design, maintenance and repair of school facilities created pursuant to section 23 of this act the sum of $1,700,000 for use by the state planning commission for:

(a) The evaluation of existing school facilities to be conducted by a consultant pursuant to section 24 of this act; and

(b) Expenses relating to the operation of the state planning commission.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 30. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. 1. This section and sections 1 to 7, inclusive, 9, 10, 22 to 25, inclusive, and 27 to 30, inclusive, of this act, become effective upon passage and approval. Sections 22 to 25, inclusive, of this act, expire by limitation on June 30, 1999.

2. Sections 11 to 16, inclusive, 20 and 21 of this act become effective on August 1, 1997.

3. Section 8 of this act becomes effective on July 1, 1999.

4. The amendatory provisions of sections 17, 18 and 19 of this act expire by limitation on June 30, 2008.

5. Section 26 of this act becomes effective on July 1, 2008.".

Amend the title of the bill to read as follows: "An Act relating to governmental administration; revising provisions governing the review of plans for school facilities; authorizing school districts to enter lease agreements for school facilities with an option to purchase the facilities; requiring the boards of trustees of school districts to establish oversight panels for school facilities; prescribing the membership and duties of the oversight panels; increasing the room tax fee and the real property transfer tax for the support of capital projects of school districts; creating the state planning commission for school facilities; prescribing the membership and duties of the commission; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes regarding financing new construction, design, maintenance and repair of school facilities. (BDR 34-153)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater, Evans, Carpenter, Hettrick, Bache, Amodei, Manendo, Marvel and Giunchigliani.

Assemblyman Hettrick requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I, too, oppose the panels. However, I have spoken to the chief sponsor of this bill, and the indication is that after this amendment is placed, assuming it is, it would be put back on the desk for us to be able to look at this.

I do oppose the panels, and I also have very grave concerns about the equality established within this bill to fund schools in the rural areas. I believe that this needs to be looked at in some fashion to create more equity than is created within this bill. However, the rest of the amendments are needed by the chief sponsor to handle what was brought initially. I don't have a problem with the portions that deal with the larger counties. I do have very significant problems with how this treats the rural counties and the equity issue. Based on the fact that I believe this will be placed on the desk, I'm neutral to the amendment, but I want to put on the record that I have grave concerns in regard to the bill as a whole the way it is presently structured.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 26, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 429.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 355, 403, 424, 452, 457, 459.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 58.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 58.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Goldwater, Humke, Price and Buckley.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I think the Chief Clerk adequately described the life of former Chief Justice of the Nevada Supreme Court. I'd like to add my thoughts.

As a freshman in this chamber, I remember the excitement of being called to the rostrum and sworn in by Chief Justice John Mowbray. It was not the first time that I had met John Mowbray. As a member of the Knights of Columbus, I had heard Justice Mowbray speak and listened to him sing. He was a man of great warmth and humor who truly cared about every aspect of life.

As we waited for our caucuses to conclude their deliberation, I listened to Justice Mowbray's wife, Kathlyn, describe her first trip to Nevada. The story does touch on the kind of man John Mowbray was, and I would like to share it with you.

Having finished law school at Notre Dame, John recognized there might be some opportunity in the growing state of Nevada and came to Las Vegas. He established his residency and took the state bar. Afterward, John returned to Illinois, took the bar exam there, and married Kathlyn. John and Kathlyn decided they would go to Canada on their honeymoon, and as soon as the state bar exam results came in, they would take up residence. Well, Kathlyn had never been to Nevada, and for those of you who have never been to Canada, it is unlike Nevada. Finally, Kathlyn asked him, "What is Nevada like?" At the time, they were in Quebec, and he told her, "The exact opposite of what it is here. It is dry."

John came to Las Vegas, and he willingly lent his efforts to any endeavor which would further the cause of mankind. He gave of his time freely and equitably to all.

As a justice of the Supreme Court, Justice Mowbray crafted some decisions that have touched all our lives. In a controversial utility case, he declared that the Public Service Commission had a right, duty, and responsibility to look at the actions of a power company and that the power company could not add rate increases to pre-established agendas without first clearing it with the Public Service Commission. In a product liability case against the Nissan Motor Company, Justice Mowbray held Nissan responsible for its actions here in this state and upheld the damage award as being proper. Decisions such as these are landmarks that continue to have an effect on the lives of every citizen of our state today.

Justice Mowbray's activities with the Boy Scouts of America are indeed legendary. He was the first chief justice to be recognized by the National Association of Christians and Jews. In

addition, he was the first Nevada Supreme Court justice to receive the Equal Justice Award for the Western States.

Justice Mowbray also authored works such as "How Can I Stay Out of Legal Trouble?" with the Rocky Mountain Medical Journal.

This resolution is a small token of appreciation to a man who has left a lasting mark upon our state, and I urge your support.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. I rise in support of SCR 58. Justice Mowbray was a good friend of my family. Those of you who have met my father know that he has probably grown into one of the world's biggest cynics. He doesn't think much of anybody these days.

Around the time I first became involved in politics, my father and I ran into Justice Mowbray. My father introduced me to him, shook his hand, and he walked away. My dad looked at me and said, "That is a great man." That's what he said, "That is a great man." Impressionable young guy that I was, and still at times am, that observation meant a lot. From that point on, whenever I ran into Justice Mowbray, my dad's remark came to mind. It meant a lot to me, and Justice Mowbray must have been a great man in order to make that kind of impression on people. I think the term "role model" is mentioned in the resolution. I think it is appropriate, and I encourage my colleagues to support this resolution.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of SCR 58. I know the hour is late. I don't wish to make extensive remarks, but I must second the remarks of the two previous speakers.

I'd like to share a brief anecdote. Justice Mowbray attended some proceedings at the law school I attended, and I would attest to the fact that he was a very kind individual, very concerned with individual persons, individual law students, and Nevadans. He was concerned about their lives, hopes, and ambitions, and he demonstrated genuine interest. I think the resolution describes Justice Mowbray's many and outstanding accomplishments, and it is a richly deserved honor to bestow upon him by this Assembly.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body. I am pleased and honored to rise in support of SCR 58 and saddened by the fact that John is not here with us to receive it. I knew John for a number of years, but we probably became most closely associated when we served together on the Bicentennial Commission. Everyone who knew John recognized that he possessed a brilliant legal mind and that he was a patriotic gentleman—proud to be an American and a Nevadan. Over the time that John and I served together, I grew, for lack of a better term, to love and appreciate him more than ever.

John felt that it would be good for Nevada to have what we generally refer to as a "commission on democracy." He felt that our state and local governments would benefit by having a commission which would continually educate citizens and strive to get more citizens involved in government. I am pleased today to tell you that while we were on our break, I learned that SB 429, which is an extension and outgrowth of that effort, passed the Senate today and is headed our way. I hope that we will be able to pass that legislation and that SB 429 will go down in our books as a legacy to John.

I would urge all my colleagues to support this resolution.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. As one of the many new lawyers practicing in Nevada and entering public service, I am fortunate to have had John Mowbray "blaze the trails," both in law and public service. His honesty, intellect, integrity, and compassion for all, especially those less fortunate, will remain with all of us and will continue to inspire us.

ASSEMBLYMAN ANDERSON:

On behalf of the Assembly, it is my honor to present this resolution to Kathlyn Mowbray, Justice Mowbray's wife, and to express to her our sincere condolences. In addition, I wish to introduce to you Romy Mowbray, Terry Mowbray, John Mowbray and Jerry Mowbray, the family of Justice Mowbray.

I forgot to add one really important line, and I should have remembered it, because after all, it was one of the justice's very favorite lines: "Home means Nevada."

Resolution adopted.

Assemblywoman Chowning moved that all rules be suspended and that Assembly Bill No. 496 be declared an emergency measure under the Constitution and placed on second reading.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 543, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was re-referred Assembly Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was re-referred Assembly Bills Nos. 30, 574, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 210 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 651—An Act making appropriations to the Clark County School District for the establishment and operation of various educational programs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 652—An Act relating to veterans' cemeteries; requiring the separate accounting of money donated for a restricted use at a veterans' cemetery; authorizing the expenditure of such money; specifying that any money remaining in such an account at the end of a fiscal year does not revert to the state general fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 653—An Act relating to taxation; reducing year by year the depreciation allowed in assessing improvements and mobile homes for purposes of property taxes; authorizing cities and counties to make compensatory payments to offset the effect of the graduated decrease in depreciation for certain taxpayers with lower incomes; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 355.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 403.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 424.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 429.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 452.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 457.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 459.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Perkins moved that the Assembly recess until 7:00 p.m.

Motion carried.

Assembly in recess at 1:47 p.m.

ASSEMBLY IN SESSION

At 7:12 p.m.

Mr. Speaker presiding.

All present except Assemblyman Williams, who was excused.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 26, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 61, 115, 400, 434, 520.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 66.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Raggio and Shaffer as a second Committee on Conference concerning Assembly Bill No. 66.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 122, 258.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Titus and Washington as a first Committee on Conference concerning Senate Bill No. 80.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 496.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 848.

Amend section 1, page 1, by deleting lines 3 through 6 and inserting: "components of which have been replaced [.] *as set forth in this subsection.* For the purposes of this section, the *requisite* major components of a vehicle *which must be replaced for a vehicle to be considered rebuilt* are the [cowl, frame, rear clip, roof and floor pan.] *:*

1. Cowl assembly;

2. Rear clip assembly;

3. Roof;

4. Floor pan assembly; or

5. Conventional frame coupled with one additional major component.".

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

"Sec. 11. NRS 487.480 is hereby amended to read as follows:

487.480 1. Before an operator of a salvage pool sells any vehicle subject to registration pursuant to the laws of this state, he must have in his possession the certificate of ownership or a bill of sale of salvage for that vehicle. He shall, within 10 days after completion of the transaction, forward the certificate of ownership or bill of sale of salvage to the department. The department shall not issue a certificate of registration or certificate of ownership for a vehicle with the same identification number if the vehicle was manufactured in the 5 years preceding the date on which the operator forwards the certificates to the department, unless the department authorizes the restoration of the vehicle pursuant to subsection 2 of NRS 482.553.

2. Upon sale of the vehicle, the operator of the salvage pool shall provide a bill of sale of salvage to the licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder on a form prescribed and supplied by the department. The department shall accept the bill of sale in lieu of the certificate of ownership or other evidence of title from the:

(a) Automobile wrecker if accompanied by an appropriate application for a certificate of dismantling; or

(b) Dealer of new or used motor vehicles or rebuilder when he licenses the vehicle for operation or transfers ownership of it, if the bill of sale is

accompanied by an appropriate application, all other required documents and fees, and a certificate of inspection signed by an employee of the department attesting to the mechanical fitness and safety of the vehicle.

3. The department may issue to [the automobile wrecker] *:*

(a) The licensed automobile wrecker;

(b) A salvage pool;

(c) A dealer of new or used motor vehicles who is licensed in another state; or

(d) An automobile wrecker or dismantler who is licensed in another state,

a certificate of dismantling that contains a brief description of the vehicle, including, insofar as data may exist with respect to the vehicle, the make, type, serial number and motor number, or any other number of the vehicle. *Except as otherwise provided in this subsection, the department shall charge and collect a fee of $10 for the issuance of a certificate of dismantling pursuant to this subsection. The department shall not charge such a fee for the issuance of a certificate of dismantling to an automobile wrecker licensed in this state. Fees collected by the department pursuant to this subsection must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers and body shops. Possession of a certificate of dismantling does not entitle a person to dismantle, scrap, process or wreck any vehicle in this state unless the person holds a license issued pursuant to NRS 487.050.*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 404.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 867.

Amend sec. 5, page 2, line 30, by deleting "*A*" and inserting: "*Except as otherwise provided in paragraph (e), a*".

Amend sec. 5, page 2, after line 44 by inserting:

"*(e) A license to a person who is between the ages of 16 and 18 years if:*

(1) The public school in which he is enrolled is located in a county whose population is less than 35,000 or in a city or town whose population is less than 25,000;

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

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

(4) His parent or legal guardian signs and submits to the department a form provided by the department which attests that the person who desires a license has completed the experience required by subparagraph (3).".

Amend sec. 5, page 3, line 17, after "62.228" by inserting: "or section 2 of [this act] *Assembly Bill No. 176 of this session*".

Amend sec. 7, page 4, line 5, after "*35,000*" by inserting: "*or in a city or town whose population is less than 25,000*".

Amend sec. 12, page 6, line 32, by deleting: "October 1, 1998." and inserting: "the effective date of section 5 of this act.".

Amend sec. 14, page 6, line 42, by deleting "1998." and inserting: "1998, if before that date the Governor proclaims that the total amount of the gifts and grants of money accepted by the department of motor vehicles and public safety pursuant to section 3.5 of this act is $10,000 or more, as reported to him by the director of the department of motor vehicles and public safety.".

Assemblywoman Cegavske moved the adoption of the amendment.

Remarks by Assemblymen Cegavske, Giunchigliani and Von Tobel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 82.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Assembly Bill No. 82:

YEAS — 41.

NAYS — None.

Excused — Williams.

Assembly Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 780.

Amend sec. 8, page 1, by deleting lines 5 and 6 and inserting: "*to be prepared and published a register of administrative*".

Amend sec. 8, page 1, after line 17, by inserting: "*In carrying out the duties set forth in this subsection, the legislative counsel may use the services of the state printing division of the department of administration.*".

Amend sec. 8, page 2, by deleting lines 11 through 15.

Amend sec. 8, page 2, line 16, by deleting "*5.*" and inserting "*4.*".

Amend sec. 8, page 2, line 19, by deleting "*6.*" and inserting "*5.*".

Amend the title of the bill by deleting the third and fourth lines and inserting: "requiring the legislative counsel to make available on the".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 411.

Bill read third time.

Remarks by Assemblymen Segerblom and Freeman.

Roll call on Assembly Bill No. 411:

YEAS — 41.

NAYS — None.

Excused — Williams.

Assembly Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 521.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 826.

Amend the bill as a whole by renumbering sections 226 through 228 as sections 227 through 229 and adding a new section designated sec. 226 to read as follows:

"Sec. 226. 1. There is hereby appropriated from the state general fund to the division of insurance of the department of business and industry to carry out the provisions of this act:

For the fiscal year 1997-1998..... $286,968

For the fiscal year 1998-1999..... $259,323

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 228, page 88, line 23, by deleting "227," and inserting "228,".

Amend the title of the bill, tenth line, after "penalties;" by inserting: "making an appropriation;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 605.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 605:

YEAS — 41.

NAYS — None.

Excused — Williams.

Assembly Bill No. 605 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 623.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 623:

YEAS — 41.

NAYS — None.

Excused — Williams.

Assembly Bill No. 623 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 222.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 222:

YEAS — 40.

NAYS — None.

Not voting — Amodei.

Excused — Williams.

Assembly Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 260.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 260:

YEAS — 40.

NAYS — Perkins.

Excused — Williams.

Assembly Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303.

Bill read third time.

Remarks by Assemblymen Goldwater and Anderson.

Roll call on Assembly Bill No. 303:

YEAS — 20.

NAYS—Amodei, Anderson, Berman, Braunlin, Cegavske, Close, Ernaut, Gustavson, Hettrick, Hickey, Humke, Lambert, Lee, Marvel, Mortenson, Nolan, Sandoval, Tiffany — 18.

Not voting — Carpenter, Parks, Von Tobel — 3.

Excused — Williams.

Assembly Bill No. 303 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 349.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 349:

YEAS — 39.

NAYS — Ernaut, Lambert — 2.

Excused — Williams.

Assembly Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 399.

Bill read third time.

Remarks by Assemblymen Bache and Giunchigliani.

Roll call on Assembly Bill No. 399:

YEAS — 41.

NAYS — None.

Excused — Williams.

Assembly Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 442:
YEAS — 41.
NAYS — None.
Excused — Williams.
Assembly Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 210.
Bill read third time.
Remarks by Assemblyman Sandoval.
Roll call on Assembly Bill No. 210:
YEAS — 41.
NAYS — None.
Excused — Williams.
Assembly Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 49.
Bill read third time.
Remarks by Assemblywoman Freeman.
Roll call on Senate Bill No. 49:
YEAS — 41.
NAYS — None.
Excused — Williams.
Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 74.
Bill read third time.
Remarks by Assemblyman Perkins.
Roll call on Senate Bill No. 74:
YEAS — 41.
NAYS — None.
Excused — Williams.
Senate Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 131.
Bill read third time.
Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 131:
YEAS — 41.
NAYS — None.
Excused — Williams.
Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 180.
Bill read third time.
Remarks by Assemblyman Herrera.
Roll call on Senate Bill No. 180:
YEAS — 41.
NAYS — None.
Excused — Williams.
Senate Bill No. 180 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 248.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Senate Bill No. 248:
YEAS — 41.
NAYS — None.
Excused — Williams.
Senate Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 330.
Bill read third time.
Remarks by Assemblyman Nolan.
Roll call on Senate Bill No. 330:
YEAS — 39.
NAYS — Buckley, Perkins — 2.
Excused — Williams.
Senate Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 346.
Bill read third time.
Remarks by Assemblymen Bache, Koivisto and Humke.

Potential conflicts of interest declared by Assemblymen Koivisto and Humke.

Roll call on Senate Bill No. 346:

YEAS — 41.

NAYS — None.

Excused — Williams.

Senate Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 382.

Bill read third time.

Remarks by Assemblymen Amodei and Gustavson.

Roll call on Senate Bill No. 382:

YEAS — 41.

NAYS — None.

Excused — Williams.

Senate Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 401.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 401:

YEAS — 41.

NAYS — None.

Excused — Williams.

Senate Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 303 was this day refused passage.

Assemblyman Arberry moved that Assembly Bill No. 405 be taken from the Chief Clerk's desk and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblywoman de Braga moved that Senate Bill No. 398 be taken from the Chief Clerk's desk and placed on the Second Reading File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 405.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 405:

YEAS — 41.

NAYS — None.

Excused — Williams.

Senate Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 406.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 406:

YEAS — 41.

NAYS — None.

Excused — Williams.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 431.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Senate Bill No. 431:

YEAS — 40.

NAYS — None.

Not voting — Amodei.

Excused — Williams.

Senate Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 440.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Senate Bill No. 440:

YEAS — 41.

NAYS — None.

Excused — Williams.

Senate Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 31.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 31:

YEAS — 41.

NAYS — None.

Excused — Williams.

Senate Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 167.

Bill read third time.

Remarks by Assemblymen Humke and Manendo.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Senate Bill No. 167:

YEAS — 41.

NAYS — None.

Excused — Williams.

Senate Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 345.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Senate Bill No. 345:

YEAS — 41.

NAYS — None.

Excused — Williams.

Senate Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 519, 607, 619, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Commerce.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that the action whereby Assembly Bill No. 405 was taken from the Chief Clerk's desk and placed on the Second Reading File for the next legislative day be rescinded.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 405 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 54.

The following Senate amendment was read:

Amendment No. 610.

Amend section 1, page 1, by deleting line 3 and inserting: "context otherwise requires:

1. "Permit" does not include a permit issued by the division pursuant to NRS 502.390 authorizing the development or maintenance of an artificial or man-made body of water.

2. "Wildlife [violation"] *conviction"* means a".

Amend section 1, page 1, line 8, by deleting "*1.*" and inserting "*(a)*".

Amend section 1, page 1, line 9, after "*502.370,*" by inserting "*502.390,*".

Amend section 1, page 1, line 11, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 3, page 2, line 43, after "*revoked* " by inserting: "*pursuant to this section*".

Amend sec. 3, page 3, line 5, by deleting "*revoked,*" and inserting: "*revoked pursuant to this section,*".

Amend the bill as a whole by renumbering sections 5 through 7 as sections 6 through 8 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. NRS 501.388 is hereby amended to read as follows:

501.388 1. The commission may [:] , *in addition to any suspension, revocation or other penalty imposed pursuant to any other provision of this Title:*

(a) Revoke any license of any person who is convicted of a violation of NRS 503.050, [in addition to the penalty imposed,] and may refuse to issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and

(b) Revoke any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear without a valid tag, [in addition to the penalty imposed,] and may:

(1) Refuse to issue any new license to the convicted person for any period not to exceed 3 years; and

(2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.

2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the commission.".

Amend the title of the bill, first line, after "governing" by inserting: "the requirements for the issuance of a hunting license and".

Amend the summary of the bill, first line, after "governing" by inserting: "requirements for issuance of hunting license and".

Assemblywoman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 54.

Remarks by Assemblywoman de Braga.

Motion carried.

Bill ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Close, Herrera and Marvel as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 99.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 47, 84, 97, 148, 176, 309, 386, 388, 412, 423, 431, 438, 439, 443, 444, 500; Assembly Joint Resolution No. 13; Assembly Resolution No. 14; Senate Bills Nos. 72, 158, 170, 171, 205, 217, 228, 230, 297; Senate Joint Resolution No. 18.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that Assemblyman Perkins' remarks be entered in the Journal.

Thank you, Mr. Speaker. Before we recess, I would like to talk about a bill that is on its way to my newest committee, Ways and Means. Mr. Speaker, AB 353 has been under discussion for several weeks. I can appreciate it not being possible for all of us to become intimately familiar with each piece of legislation, but this is one of the top two or three issues we knew we would have to deal with this session. AB 353 is not a perfect bill as amended, but how many bills are?

Mr. Speaker, I love this state and I will live out my life here. Nevada is more than a million people in the Las Vegas Valley; it is more than the Great Basin; the Tahoe Basin; the Sierras; the Rubys; and everywhere in between. It is the people, places, and the things that I've just mentioned, and everything that comes together, that makes this great state. I love this state because of its urban and its rural areas and its attitudes. Our diversity is what makes this state so great. Another of our members previously quoted the late Justice Mowbray saying, "Home means Nevada."

What I'm getting at, Mr. Speaker, is that we must all get together and work on the details of this ever-important legislation. We know that the close is drawing near, so to wait is impossible. The school construction problem in Clark County is in a crisis. I know of the problems in other areas, but none so acute as those in Clark County. The kids in Clark County are no better than those in any of the 16 other counties; I acknowledge that. But they also are no worse. If we can craft a bill that takes care of all, let us do that. Clark County came to us with a plan and no other school district did that.

I am not suggesting we do not try to do our best. Myself and other members of this body have worked so hard on this issue; we have made many attempts to address rural needs and have not gained concurrence from some of the rural members of the legislature. If a bill can be crafted that does not harm the rural areas but does help the children in Clark County, I would ask that we please support such an effort and get that crafted before we go sine die. I look forward to working with each and every one of you that has an interest in this area, because this is, indeed, a crisis, ladies and gentlemen; a crisis that we need to fix before we go home.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Herrera, the privilege of the floor of the Assembly Chamber for this day was extended to John Rhodes and Donna Banks.

Assemblyman Perkins moved that the Assembly adjourn until Friday, June 27, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 8:28 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-NINTH DAY

CARSON CITY (Friday), June 27, 1997

Assembly called to order at 10:41 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Cleric Carol English, Eckankar.

We are reminded that each of us responsible for our thoughts, words, and deeds. Please guide the men and women of this Assembly to look into their hearts for direction and inspiration as they make the weighty decisions that affect the lives of everyone within the borders of this great state. Sustain them with peace and love through the long hours of the closing days of this 1997 Legislature.

Eckankar, the Religion of the Light and Sound of God, teaches us about God's gift to everyone of the word "HU", which is spelled HU. When sung in a long drawn out way, it is a love song to God. It opens our hearts to the Light and to the Sound, which is the Word of God, allowing us to reach new and greater spiritual levels regardless of the religious path we follow. It clarifies the course of action that is right for us to follow as we go through life each day. By learning to silence the outer influences for a few minutes of each day, we can tap into an unlimited reservoir of love and wisdom that exists within our hearts.

Now please join me in a moment of silence by silently singing either the "HU," another word that is sacred to you and brings love into your heart, or place your attention on a spiritual being that has special meaning to you.

In Your Name, God, we thank You for Your Love that surrounds, protects and guides us. May the blessings be.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 581, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 53, 404, 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Von Tobel, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany and Williams:

Assembly Concurrent Resolution No. 52—Commending Marianne Vallin for her academic and athletic achievements.

WHEREAS, Marianne Vallin has excelled in academics and athletics during her years as a student at the University of Nevada, Las Vegas, and this year she received national recognition for her achievements when she was presented the Gladys Heldman Award for the most outstanding senior collegiate women's tennis player who best balances athletics and academics; and

WHEREAS, Academically, Marianne Vallin earned a perfect 4.0 grade point average for two semesters, was a five-time member of the Dean's Honor List and was a two-time member of the University of Nevada, Las Vegas academic top 30; and

WHEREAS, Athletically, Marianne Vallin earned the number one ranking position in tennis in singles and doubles in each of her 4 years as a student at the University of Nevada, Las Vegas, led her team to the first-ever NCAA postseason play in the Western Regionals and was the university's all-time record holder of winning percentages for both singles and doubles tennis matches; and

WHEREAS, Marianne Vallin was named Female Athlete of the Year in 1994 and 1997 by the "Rebel Yell" Newspaper; and

WHEREAS, Marianne Vallin has been an inspiration to her fellow teammates, her classmates and her friends, personifying just what can be accomplished through dedication, determination and hard work; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th Session of the Nevada Legislature do hereby commend Marianne Vallin for her academic and athletic achievements as a student at the University of Nevada, Las Vegas; and be it further

RESOLVED, That the members of this legislative body extend their most heartfelt congratulations to Marianne Vallin for being this year's recipient of the Gladys Heldman Award; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Marianne Vallin.

Assemblywoman Von Tobel moved the adoption of the resolution.

Remarks by Assemblywoman Von Tobel.

Assemblyman Perkins requested that Assemblywoman Von Tobel's remarks be entered in the Journal.

ASSEMBLYWOMAN VON TOBEL:

Thank you, Mr. Speaker. It has been my pleasure to get to know Marianne Vallin through my work on the UNLV Women's Sports Foundation. She is an inspiration to all of the students at UNLV and especially the members of the tennis team, and it is great that we honor her today.

I would like to present this resolution to Marianne Vallin today and tell you a little bit about her and about Ola Malmqvist, who is the coach for UNLV. Coach Malmqvist is from Sweden and is a former NCAA Champion. He helped bring the women's tennis team to the Academic All-American Honors. Not only is he a great coach, but he has been willing to give up part of his athletic budget to assist his players in finishing summer school so that they can complete their degrees. It is an honor to have him at UNLV.

Marianne was born on August 4, 1973 to Soren and Burrgitta Vallin. She majored in psychology and is pursuing her master's degree in psychology. Marianne graduated with a 3.65 GPA; she was a two-year Academic All-American; three-time All-American; two-time member of UNLV academic top 30 honor students athletes with the highest GPA; Female Athlete of the Year in 1996 and 1997; and a five-time member of the Dean's Honor List. She's also gorgeous.

Please welcome and honor both Marianne and Coach Malmqvist.

Resolution adopted.

By Assemblymen Ohrenschall, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 53—Memorializing Angelo Collis, long-time educator and coach in Clark County.

WHEREAS, The members of this Legislature were saddened to learn of the recent passing on May 21, 1997, of long-time educator and coach in Clark County, Angelo Collis; and

WHEREAS, Angelo Collis was born on February 19, 1921, in McGill, Nevada, to Nicholas and Penny Latsonis Collis; and

WHEREAS, Angelo Collis earned his Bachelor's Degree in history from Utah State and a Master's Degree in education administration from the University of Nevada, Reno; and

WHEREAS, Following college, Angelo Collis coached and taught at White Pine High School in Ely for 5 years before relocating to southern Nevada; and

WHEREAS, Angelo Collis became the head football coach at Las Vegas High in 1952 and his teams won four state championships during his 9-year coaching career, including an 11-0 season and state championship in 1953; and

WHEREAS, Angelo Collis continued his career in education as Assistant Principal and Athletic Director at Western and Clark high schools, helping to establish their athletic departments; and

WHEREAS, In 1973, Angelo Collis received the Shering Award from the National Council of Secondary School Athletic Directors as one of five outstanding Athletic Directors in the nation; and

WHEREAS, In 1979, Clark High School named the football field after him, and in 1988, he received the National Federation citation for past contributions to interscholastic athletics; and

WHEREAS, Angelo Collis founded the Pop Warner youth football program in Las Vegas before his retirement in February 1987; and

WHEREAS, Angelo Collis was an Air Force World War II veteran and a member of Nellis Masonic Lodge 46, Scottish Rite, Zelzah Shrine, the Legion of Honor and the National Football Foundation; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th Session of the Nevada Legislature express their sincere condolences to sons, Ronald of Las Vegas and Tony of Caldwell, Idaho, sisters, Mary McFall of Ogden, Utah, and Deanie Pope of Reno, brother, Jerry of Bakersfield, California, and five grandchildren; and be it further

RESOLVED, That Angelo Collis will long be remembered for his contributions to athletics in Clark County and for the compassion and understanding that he generously gave to his students and friends throughout his life; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Angelo Collis' sons, Ronald and Tony.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall, Close, Chowning, Nolan and Carpenter.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. In southern Nevada, we don't talk about "Angelo Collis" but rather "Coach Collis," because he was known as being a leader in youth activities and good sportsmanship. Yes, he did establish athletic programs for several leading high schools and led teams to get national honors. He was also nationally honored. What Coach Collis did more than anything else was exemplify the proper characteristics of good sportsmanship, competition, achievement, and concern for his fellow man.

We are greatly saddened at Coach Collis' passing and we wish to memorialize him. I urge this body to accept this motion.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. I rise in support of ACR 53. I echo the remarks of my colleague who just spoke. I first met Angelo Collis when he was my coach at Las Vegas High School in the late fifties, early sixties. He was the type of man who wanted to meet others on a one-on-one basis. Whenever I met him at social events, I had a hard time calling him anything but "Coach." He said, "Well, you can call me Angelo." I said, "No, I can't call you Angelo, I'll call you Coach."

I remember thinking, as one of his student athletes, that Coach Collis was a little giant. You never asked him what to do twice. He told you once, you did it, and you made sure you did it correctly. He would compliment you or he would correct you.

I was always amazed that Coach Collis knew people years after they had been his students. He would remember our first names. It saddens me that Coach Collis is no longer with us. I'm sorry for those people who won't have the opportunity to work with him, but he did leave his mark. I will always remember Coach Collis as a gentle giant.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I am so proud to stand today in support of ACR 53. I had the great pleasure of working with Angelo Collis—Ang, Dean Collis, Coach Collis—when I was a teacher at Clark High School in Las Vegas. For many years, I was able to see the twinkle in his

eye and the smile that he had, and his wonderful demeanor, tough but fair, not only with the teachers but also the kids. He was a marvelous role model, and it is a pleasure for me to have been able to know him.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker. I, too, rise in support of ACR 53. I knew Angelo Collis as a student at Clark High School. He was the vice principal in charge of the athletic and sporting program, and I was a wrestler at the time. At some point he realized I wasn't a very good wrestler. He felt he needed a trainer to tape the ankles and injuries of the guys on the team, so he asked me if I'd be interested in a scholarship to Northern Arizona University to become an athletic trainer. Knowing that it was probably going to be an easier job than wrestling, I accepted his offer. That was the beginning of a very good relationship between the two of us that lasted for years. I enjoyed going back to Clark High School and visiting Coach Collis. He took a great deal of pride in the students there and in the football field that was named after him.

I think one of the reasons that we got along so well was that Coach Collis was a short guy just like me, but as the other speaker said, he carried a pretty big punch. I hope that my colleagues will support this resolution.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of ACR 53. Back when I played for the White Pine High School Bobcats, Coach Collis was my coach. I'll always remember him as a great man who was a positive influence on a lot of kids at White Pine High School.

ASSEMBLYWOMAN OHRENSCHALL:

I have with me today to receive the resolution, members of Coach Collis' family from both northern and southern Nevada and two close family friends. With me are Barbara Pope, his niece; Robert Collis, his son, who is incorrectly identified in the resolution as Ronald—apparently bad handwriting got in the way on that; Constance Pope, his sister; and two good friends of the family, Joanne Fuller and Bert Cooper. If you would all please make them welcome.

Resolution adopted.

By Assemblymen Evans, Amodei, Anderson, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Sandoval, Segerblom, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 54—Commending Nevadans who assist legal immigrants in learning English and becoming naturalized citizens.

Assemblywoman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Anderson, Chowning, Carpenter, Giunchigliani and Segerblom.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN EVANS:

Thank you, Mr. Speaker. As the members can see, ACR 54 is a rather lengthy resolution. I asked the Chief Clerk not to read it in its entirety; rather we can speak to the substance of its message.

In recent years some individuals and certain groups have made it their mission to disparage those who come to this country and to blame them for all manner of ills in our nation and state.

The fact is that many of us in this body are first or second generation Americans, and we should not forget the contributions of the many who have come here over the decades. My mother was born in this country and my father was European. He was an honest, hard-working, and wonderful man. He was loyal to this country and was very patriotic.

This resolution recognizes and applauds the many talents and contributions of those who have come to our shores. It also gives recognition to those in our state who are making a special effort to assist immigrants to become full participants in our American way of life.

The resolution cites many outstanding individuals and groups. I'm sure there are some we've overlooked. I regret that, but the folks listed come quickly to mind, and we would like to give them a moment of attention: in Las Vegas, Pricilla Rocha; in Reno, Dr. Emma Sepulveda, Associate Professor of Foreign Language at UNR, whose work in helping immigrants is facilitated by the University; the Eldorado Hotel and Casino, in conjunction with local agencies; in Las Vegas, the Mirage Resorts and the Culinary Workers' Union (Local 226), who conduct naturalization programs and assist their people in learning the language.

Mr. Speaker, yesterday, in some rather eloquent remarks about our state, the Majority Leader used these words, "Our diversity is what makes this state so great." I urge the members of this body and all citizens of Nevada to be a participant in helping people who come here learn our language and become fully franchised by becoming naturalized citizens.

ASSEMBLYMAN ANDERSON:

I rise in support of ACR 54. As a first-generation American, I recall my mother taking immigration lessons and trying to learn the history of the United States. Long after she became a citizen, my mother made sure that I met her citizenship teacher and appropriately thanked her.

You would assume that someone from Ireland would be fluent in the English language. However, I clearly remember my father telling me of crossing the United States on a train when he first arrived in this country. He ordered ham and eggs for his meal because that was what the rest of the passengers were eating and it was the only part of the menu that he could figure out.

Acclimating yourself to a new culture is very, very difficult for any group, even if you read and understand the language. These individuals and groups provide a great service in helping immigrants to understand the traditions of this country and the uniqueness of the society in which we live. Their efforts often go without thanks, except from those of us who have benefitted from their service.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I stand in proud support of ACR 54. Everyone knows of my background as a foreign language teacher and my work with a district that has lots of wonderful, diversified folks. I feel that my life is so enriched by the people that I have come into contact with who honor me with the diversity of their culture.

I've had the privilege of working with Priscilla Rocha, who is an elementary teacher. The work that she has done is marvelous. From a classroom, she has started a building that reaches out in ways that you cannot believe, with volunteerism extraordinare. Many residents have become citizens with the help of Priscilla; the Mirage; and a former colleague of ours, Mr. Garner, through his work at the community college; and the Culinary Workers' Union. These people have such pride. I cannot tell you how thrilling it is when you go to a citizenship ceremony and have people proudly raise the flag and show that they are now citizens. I work with people like María Saldaña, who was in tears as she told me, "Now, I am able to vote." These people come to our country and bring a diversity from all over the world, and our lives are enriched. I'm so very proud of all of the work that they have put forward.

I appreciate the efforts of the people named in this resolution who have reached out to help others become citizens of our country. I thank our colleague for bringing it forward.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of ACR 54. When I was in the ranching business, many Basque people worked for me. I was always very proud to see them become citizens of this great country. I, too, can relate to my colleague's description of her feelings as she stands

up with people when they become United States citizens. They are so proud. Even now, I have a number of people working for me who are not naturalized citizens. We call one gentleman "Little Guy;" he is even littler than some of our colleagues. "Little Guy" became a naturalized citizen and last fall was the first time he could vote. Somebody at our place asked him where he was going and he said, "Well I'm going to go vote, and I'm a Republican."

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of ACR 54. I think the resolution is indicative of the spirit of a true community partnership. When I ran for office in 1991, there was a radio talk show host from the northern part of the state who made the accusation that because I was born in Italy, I was not allowed to serve in the legislature and that everything that we voted on was null and void. I am a citizen of the United States.

I do think that at some point we forgot that our country was built on immigration. It is no longer a dirty word. Unfortunately, we're going through a cycle right now where there is a little bit of intolerance. These types of programs help break down those barriers so that we can work together with the people who come here and want to be citizens. We can help them become a part of our society.

I commend my colleague for bringing this resolution forward.

ASSEMBLYWOMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise in support of ACR 54. I want to thank those Nevadans who are helping immigrants learn the English language. We lived in Panama for six years, and I wish someone had helped me learn Spanish, especially Mrs. Chowning.

Resolution adopted.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 631, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 601, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Infrastructure, to which was referred Assembly Bill No. 570, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 654—An Act relating to state financial administration; extending the prospective date for the reversion of the appropriation made during the previous session to the Nevada Commissioner for Veteran Affairs for improvements to veterans' cemeteries; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Mortenson moved that the vote whereby Assembly Bill No. 303 was refused passage be reconsidered.

Motion carried.

Assemblywoman Freeman moved that Assembly Bill No. 30 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 303 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 123, 221, 337, 363, 404, 454, 496, 498, 521, 542, 566, 580 be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 914.

Amend the bill as whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 623 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Architects, registered interior designers, residential designers, professional engineers and landscape architects may join or form a partnership, corporation, limited-liability company or other business organization or association with registrants outside of their field of practice, or with nonregistrants, if control and two-thirds ownership of the business organization or association is held by persons registered in this state pursuant to the applicable provisions of this chapter, chapter 623A or chapter 625 of NRS.

2. If a partnership, corporation, limited-liability company or other form of business organization or association wishes to practice pursuant to the provisions of this section, it must:

(a) Demonstrate to the board that it is in compliance with all provisions of this section.

(b) Pay the fee for a certificate of registration pursuant to NRS 623.310.

(c) Qualify to do business in this state.

(d) If it is a corporation, register with the board and furnish to the board a complete list of all stockholders when it first files with the board and annually thereafter within 30 days after the annual meeting of the stockholders of the corporation, showing the number of shares held by each stockholder.

(e) If it is a partnership, limited-liability company or other form of business organization or association, register with the board and furnish to the board such information analogous to that required by paragraph (d) as the board may prescribe by regulation.

3. A partnership, corporation, limited-liability company or other form of business organization or association practicing under the provisions of this section may not perform, promote or advertise the services of a registrant unless that registrant is an owner of the business organization or association.

4. As used in this section, "control" means the direct or indirect possession of the power to direct or cause the direction of the management and policies of a business organization or association.

Sec. 2. NRS 623.350 is hereby amended to read as follows:

623.350 1. [This chapter does not prevent firms, partnerships, corporations or associations of architects, registered interior designers, professional engineers and landscape architects, or any combination thereof, from practicing as such, if each director, stockholder and officer of the corporation and each partner or associate of the firm, partnership or association is registered pursuant to the applicable provisions of this chapter, chapter 623A or chapter 625 of NRS.

2.] Every office or place of business of any [firm,] partnership, corporation , *limited-liability company or other business organization* or association engaged in the practice of architecture [must] *pursuant to the provisions of section 1 of this act shall* have an architect who is a resident of this state and holds a certificate of registration issued pursuant to this chapter regularly working in the office or place of business and directly responsible for the administration of the architectural work conducted in the office or place of business.

[3.] The provisions of *this* subsection [2] do not apply to [firms,] partnerships, corporations , *limited-liability companies or other business organization* or associations engaged in the practice of architecture at offices established for construction administration.

2. A registrant practicing in a business organization or association which holds a certificate issued pursuant to section 1 of this act remains subject to NRS 89.220.

3. If a nonregistrant, or a registrant who is not an owner, employed by or affiliated with a business organization or association which holds a certificate issued pursuant to section 1 of this act is found by the board to have violated a provision of this chapter or a regulation of the board, the board may hold the business organization or association and the registrants who are owners responsible for the violation.

Sec. 3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

A city or county building inspector, or other officer performing the functions of that position, shall notify the state board of architecture, interior design and residential design in writing if a registered architect, interior designer or residential designer:

1. Submits plans for a project which are substantially incomplete; or

2. Submits plans for the same project which are rejected by the city or county officer at least three times.

Sec. 4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

A public body shall notify the state board of architecture, interior design and residential design in writing if a registered architect, interior designer or residential designer:

1. Submits plans for a project which are substantially incomplete; or

2. Submits plans for the same project which are rejected by the public body at least three times.".

Amend the title of the bill to read as follows: "An Act relating to architecture; revising provisions for practice in groups; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions concerning architecture. (BDR 54-1446)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Assemblyman Arberry moved that Assembly Bill No. 262 be re-referred to the Committee on Commerce.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Commerce.

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 857.

Amend section 1, page 1, by deleting lines 2 through 4 and inserting: "the Health Division of the Department of Human Resources the sum of $50,000 for continuation of the program developed by the perinatal substance abuse subcommittee of the Advisory Board on Maternal and Child Health.".

Amend the title of the bill to read as follows: "An Act making an appropriation to the Health Division of the Department of Human Resources for the continuation of the program developed by the perinatal substance abuse subcommittee of the Advisory Board on Maternal and Child Health; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes appropriation to Health Division of Department of Human Resources for continuation of program developed by perinatal substance abuse subcommittee of Advisory Board on Maternal and Child Health. (BDR S-1691)".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 543.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 758.

Amend sec. 3, page 3, line 17, by deleting "*immediately*".

Amend sec. 3, page 3, line 18, by deleting "indications" and inserting "indications . ".

Amend sec. 3, page 3, by deleting lines 19 through 21 and inserting: "having been issued.] The admonition must be removed from the records of the employee [not later than 3 years] :

(a) If it is a notation of an oral admonition, 6 months after it is issued.

[2. An administrator need not]

(b) If it is the first written admonition of the employee, 1 year after it is issued.

(c) For each written admonition of the employee after the first written admonition, 2 years after it is issued.".

Amend sec. 3, page 3, line 37, after "*nonreemployment and* " by inserting: ", *if feasible,*".

Amend sec. 4, page 4, line 29, after "*suspension and* " by inserting: ", *if feasible, to*".

Assemblywoman Segerblom moved the adoption of the amendment.

Remarks by Assemblymen Segerblom and Bache.

Potential conflicts of interest declared by Assemblymen Bache, Anderson and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 583.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 715.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 3 through 7 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 547 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If property in public or private ownership:

(a) Is designated or considered to be agricultural land or is otherwise dedicated to an agricultural purpose or use; and

(b) Is used by an agricultural association for an exhibition, fair or other special event that is authorized pursuant to subsection 4 of NRS 547.090 or NRS 547.110,

the use of the property by the agricultural association shall be deemed to be an expanded agricultural use, and such use must not be construed to have affected or changed the agricultural status of the property that existed before it was used by the agricultural association.

2. The provisions of subsection 1 apply to all property used by an agricultural association, including, but not limited to, property that is:

(a) Owned or leased by the agricultural association; or

(b) Made available by another person for use by the agricultural association pursuant to a donation, gift, grant of authorization or permission, or other similar means.

Sec. 2. NRS 547.040 is hereby amended to read as follows:

547.040 1. [Within] *Not later than* 10 days after [the formation of] an agricultural association [within any of the agricultural districts constituted] *is formed within an agricultural district listed* in NRS 547.010 [in accordance with] *pursuant to* the provisions of this chapter *:* [, eight resident citizens of such agricultural district shall be appointed as members of a district board of agriculture for the district by:]

(a) The governor [for agricultural districts] *, if the agricultural district is* comprised of more than one county [.] *, shall appoint eight persons who are residents of the agricultural district and who are members of the agricultural association to be members of the district board of agriculture for the agricultural district; or*

(b) The board of county commissioners [for each county which] *, if the agricultural district* constitutes a single-county agricultural district [.] *, shall appoint eight persons who are residents of the agricultural district to be members of the district board of agriculture for the agricultural district.*

2. Within 10 days after their appointment, the persons so appointed shall meet at a place within the agricultural district and organize by the election of:

(a) One of their number as president of the board and association, who shall hold the office of president for 1 year and until his successor is elected.

(b) A secretary and a treasurer.

3. At the same meeting the members of the board shall, by lot or otherwise, classify themselves into four classes of two members each. The terms of office of the first class [shall] expire at the end of the first fiscal year. The terms of office of the second class [shall] expire at the end of the second fiscal year. The terms of office of the third class [shall] expire at the end of the third fiscal year. The terms of office of the fourth class [shall] expire at the end of the fourth fiscal year.".

Amend sec. 4, pages 2 and 3, by deleting lines 43 and 44 on page 2 and lines 1 through 4 on page 3 and inserting:

"2. *The term does not include leasing the land to or otherwise permitting the land to be used by an agricultural association formed pursuant to chapter 547 of NRS.*

3. As used in this section:

(a) "Final map" has the meaning ascribed to it in NRS 278.0145.

(b) "Parcel map" has the meaning ascribed to it in NRS 278.017.".

Assemblywoman Segerblom moved the adoption of the amendment.

Remarks by Assemblywoman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 594.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 824.

Amend section 1, page 1, line 3, by deleting "*life*" and inserting "*life, health*".

Amend section 1, page 1, line 5, by deleting "*life*" and inserting "*life, health*".

Amend section 1, page 1, line 14, by deleting "*an*" and inserting "*an:*".

Amend section 1, page 1, by deleting lines 15 through 17 and inserting:

"*(a) Irrigation diversion structure; or*

(b) Outfall structure that is regulated by an individual permit issued pursuant NRS 445A.300 to 445A.730, inclusive,

if the irrigation diversion structure or outfall structure is not altered beyond the existing permitted size, configuration and location and the river bed is not disturbed.".

Amend section 1, page 2, line 32, by deleting "*90* " and inserting "*60* ".

Amend section 1, page 2, line 38, by deleting "*90* " and inserting "*60* ".

Amend section 1, page 3, line 4, after "*with*" by inserting: "*the provisions of NRS 455.080 to 455.180, inclusive, and* ".

Amend sec. 4, page 3, line 43, by deleting "*90* " and inserting "*60* ".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 607.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 858.

Amend sec. 2, page 2, line 9, after "*3.*" by inserting: "*The interest and income earned on the money in the Nevada children's gift account, after deducting any applicable charges, must be credited to the gift account.*

4.".

Amend sec. 2, page 2, by deleting lines 11 through 16 and inserting: "*to NRS 423.135 an amount not to exceed the amount of interest and income earned for that fiscal year on the money in the Nevada children's gift account.*".

Amend sec. 2, page 2, line 17, by deleting "4." and inserting "[4.] *5.*".

Amend sec. 4, page 3, line 12, by deleting "*appropriated* " and inserting "*authorized* ".

Amend sec. 4, page 3, line 23, by deleting "*appropriated* " and inserting "*authorized* ".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 615.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 799.

Amend section 1, page 1, line 12, after "*fingerprints*" by inserting: "*to the central repository for Nevada records of criminal history for submission*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 619.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 859.

Amend section 1, page 1, line 3, after "act," by inserting: "the sum of $10,000".

Amend section 1, page 1, line 4, by deleting the colon and inserting a period.

Amend section 1, page 1, by deleting lines 5 through 9 and inserting:

"2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 626.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 809.

Amend the bill as a whole by renumbering section 1 as sec. 7 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. NRS 630.375 is hereby amended to read as follows:

630.375 1. The form for any prescription which is issued for an ophthalmic lens by an ophthalmologist in this state must contain lines or boxes in substantially the following form:

Approved for contact lenses ..... _____

Not approved for contact lenses ..... _____

2. The prescribing ophthalmologist shall mark or check one of the lines or boxes required by subsection 1 each time such a prescription is issued by him.

3. If the prescription is for a contact lens, the form must set forth the expiration date of the prescription, the number of refills approved for the patient and such other information as is necessary for the prescription to be filled properly.

4. The initial fitting of a contact lens must be performed by:

(a) A dispensing optician licensed pursuant to NRS 637.122; or

(b) An ophthalmologist or optometrist licensed in this state.

Sec. 2. NRS 636.022 is hereby amended to read as follows:

636.022 "Prescription" means a written direction from a licensed optometrist to [prepare] *:*

1. Prepare an ophthalmic lens for a patient [.] *; or*

2. Dispense a prepackaged contact lens that does not require any adjustment, modification or fitting.

Sec. 3. NRS 636.387 is hereby amended to read as follows:

636.387 1. The form for any prescription which is issued for an ophthalmic lens by an optometrist in this state must contain lines or boxes in substantially the following form:

Approved for contact lenses ..... _____

Not approved for contact lenses ..... _____

2. The prescribing optometrist shall mark or check one of the lines or boxes required by subsection 1 each time such a prescription is issued by him.

3. If the prescription is for a contact lens, the form must set forth the expiration date of the prescription, the number of refills approved for the patient and such other information as is necessary for the prescription to be filled properly.

4. The initial fitting of a contact lens must be performed by:

(a) A dispensing optician licensed pursuant to NRS 637.122; or

(b) An ophthalmologist or optometrist licensed in this state.

Sec. 4. NRS 637.0235 is hereby amended to read as follows:

637.0235 "Prescription" means a direction from a licensed prescriber to [prepare] *:*

1. Prepare therapeutic or corrective lenses [.] *; or*

2. Dispense a prepackaged contact lens that does not require any adjustment, modification or fitting.

Sec. 5. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, [or] physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such *a* prescription.

5. *Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.*

6. Violating any provision of this chapter.

Sec. 6. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell [,] *or* dispense , or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed , any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless he:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, [or] a registered pharmacist [;] , *or a registered nurse certified in oncology under the supervision of the prescribing practitioner;* and

(b) Complies with the regulations adopted by the board.

2. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless he has obtained a license from the board.

3. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use

Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until he has obtained a license from the board.

4. Each application for such a license must be made on a form furnished by the board and an application must not be considered by the board until all the information required thereon has been completed. Upon approval of the application by the board and the payment of the required fee, the board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location, and renewed biennially.".

Amend the bill as a whole by renumbering sec. 2 as sec. 10 and adding new sections designated sections 8 and 9, following section 1, to read as follows:

"Sec. 8. The amendatory provisions of this act do not apply to offenses that are committed before the effective date of this act.

Sec. 9. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.".

Amend the title of the bill to read as follows: "An Act relating to health care; making various changes concerning the prescribing, selling, furnishing and fitting of contact lenses; authorizing a registered nurse certified in oncology to dispense drugs under certain circumstances; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning health care. (BDR 54-1665)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 628.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 862.

Amend section 1, page 1, by deleting line 5 and inserting: "subsection [2, the qualified electors of the township may increase] *3,* the number".

Amend section 1, page 1, line 6, after "peace" by inserting: "*in a township must be increased*".

Amend section 1, page 1, by deleting line 19 and inserting:

"2. *Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township, the board of county commissioners shall, after March 15 of the even-numbered year in which the population of the township provides for such an increase, either:*

(a) Appoint a suitable person to fill the position until the next ensuing biennial election; or

(b) Provide by resolution for an election procedure to fill the position until the next ensuing biennial election.

3. If the schedule set forth in subsection 1[allows] *provides for* an increase in the".

Amend section 1, page 2, by deleting line 2 and inserting: "notify the director of the legislative counsel bureau *and the board of county commissioners* of their opinion [.] *on or before March 15 of the even-numbered year in which the population of the township provides for such an increase.* The".

Amend section 1, page 2, line 3, after "director" by inserting: "*of the legislative counsel bureau*".

Amend section 1, page 2, by deleting line 5 and inserting: "director [,] *of the legislative counsel bureau and the board of county commissioners,* the number of justices [may] *must* not be increased during that period".

Amend section 1, page 2, line 7, by deleting "3." and inserting "[3.] *4.*".

Amend section 1, page 2, line 9, by deleting "4." and inserting "[4.] *5.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 863.

Amend sec. 7, page 2, line 11, by deleting "*or*".

Amend sec. 7, page 2, by deleting line 13 and inserting: "*mail from the person; or*

(c) The advertisement is readily identifiable as promotional, or contains a statement providing that it is an advertisement, and clearly and conspicuously provides:

(1) The legal name, complete street address and electronic mail address of the person transmitting the electronic mail; and

(2) A notice that the recipient may decline to receive additional electronic mail that includes an advertisement from the person transmitting the electronic mail and the procedures for declining such electronic mail.".

Amend the bill as a whole by adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. This act becomes effective on July 1, 1998.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 864.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:

Upon registering a convicted person pursuant to the provisions set forth in NRS 207.080 to 207.150, inclusive, a sheriff or a chief of police shall forward all information concerning such registration to the central repository for Nevada records of criminal history in the manner prescribed by the director of the department of motor vehicles and public safety.".

Amend section 1, page 1, line 2, after "inclusive," by inserting: "*and section 1 of this act,*".

Amend section 1, page 1, by deleting lines 4 through 10 and inserting:

"(a) [Any] *A* person convicted in the State of Nevada of an offense *that is* punishable as a felony or convicted in any place other than the State of Nevada of a felony . [or any other offense which is punishable by imprisonment for 1 year or more.

(b) Any]

(b) A person convicted in the State of Nevada , or elsewhere, of the".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of arrests, detention, indictments, informations or other formal criminal charges and dispositions of charges, including dismissals, acquittals, convictions, sentences, correctional supervision occurring in Nevada, [and] information concerning the status of an offender on parole or probation [.] , *and information concerning a convicted person who has registered as such pursuant to NRS 207.080 to 207.150, inclusive.* The term includes only information contained in memoranda of formal transactions between a person and an agency of

criminal justice in this state. The term is intended to be equivalent to the phrase "criminal history record information" as used in federal regulations.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws.

(b) Information concerning juveniles.

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension.

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed in any other way.

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including permits to work in the gaming industry.

(f) Court indices and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings.

(g) Records of traffic violations constituting misdemeanors.

(h) Records of traffic offenses maintained by the department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses.

(i) Announcements of actions by the state board of pardons commissioners and the state board of parole commissioners, except information concerning the status of an offender on parole or probation.

(j) Records which originated in an agency other than an agency of criminal justice in this state.".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to convicted persons; requiring a sheriff or a chief of police with whom a convicted person has registered to forward information concerning such registration to the central repository of Nevada records of criminal history in the manner prescribed by the director of the department of motor vehicles and public safety;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 808.

Amend section 1, page 1, line 3, by deleting "*reimburse,*" and inserting "*pay,*".

Amend section 1, page 1, line 5, by deleting "*care; or*" and inserting: "*care licensed pursuant to NRS 449.030; or*".

Amend section 1, page 1, line 7, by deleting "*costs of* " and inserting "*services for*".

Amend the title of the bill by deleting the second and third lines and inserting: "resources to pay licensed providers of hospice care for services for hospice care provided to persons who are eligible for such assistance; and providing other".

Amend the summary of the bill to read as follows: "Summary—Provides for payment to licensed providers of hospice care for services for hospice care provided to medically indigent persons. (BDR 38-293)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 876.

Amend the bill as a whole by renumbering sections 1 through 11 as sections 6 through 16 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 646 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 646.010 and section 3 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Motor vehicle" means any self-propelled vehicle that is used upon a highway, but not operated on rails, for the purpose of transporting persons or property.*

Sec. 4. *1. A pawnbroker who receives a motor vehicle in pledge as security for a loan pursuant to NRS 646.050 may remove the motor vehicle from his place of business to a place used by the pawnbroker for the storage of motor vehicles received in pledge.*

2. The pawnbroker:

(a) Shall hold the motor vehicle at the place of storage for the same period that personal property must be held at his place of business pursuant to this chapter; and

(b) May only remove the motor vehicle from the place of storage under the same conditions that personal property may be removed from his place of business pursuant to this chapter.

Sec. 5. NRS 646.010 is hereby amended to read as follows:

646.010 [Every] *"Pawnbroker" means every* person engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits or other secured transactions in personal property . [, shall be deemed to be a pawnbroker.]".

Amend sec. 2, page 2, by deleting line 9 and inserting:

"4. A pawnbroker shall not charge more than $3 per day for the".

Amend sec. 4, page 2, line 40, by deleting: "5 to 11," and inserting: "10 to 16,".

Amend the bill as a whole by renumbering sections 12 through 16 as sections 18 through 22 and adding a new section designated sec. 17, following sec. 11, to read as follows:

"Sec. 17. *1. A junk dealer or secondhand dealer may not, as part of his business as a junk dealer or secondhand dealer, buy and sell motor vehicles.*

2. As used in this section, "motor vehicle" means any self-propelled vehicle that is used upon a highway, but not operated on rails, for the purpose of transporting persons or property.".

Amend sec. 12, page 4, line 1, by deleting: "*5 to 10,*" and inserting: "*10 to 15,*".

Amend the title of the bill to read as follows: "An Act relating to businesses; authorizing a pawnbroker who receives a motor vehicle in pledge as security for a loan to store the motor vehicle; allowing property received in pledge by a pawnbroker to be removed from his place of business pursuant to a search warrant; increasing the interest rate a pawnbroker may charge and receive for money loaned on certain personal property; prohibiting a junk dealer or secondhand dealer from buying and selling motor vehicles as a part of his business; clarifying that a person who buys and sells antiques and collectibles is a secondhand dealer; revising the provisions relating to the period for the retention of certain types of property by secondhand dealers; providing a penalty; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 295.

Bill read second time and ordered to third reading.

Senate Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 823.

Amend section 1, page 3, by deleting lines 8 through 10.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: "state department of conservation and natural resources; and providing other matters properly relating thereto.".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 448.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 33 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Freeman moved that Senate Bill No. 209 be placed on the Chief Clerk's desk after reprint.

Remarks by Assemblywoman Freeman.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 33.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 868.
Amend the bill as a whole by deleting section 1, renumbering sections 2 and 3 as sections 4 and 5 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:
"Section 1. Chapter 62 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.
Sec. 2. *A child under 18 years of age shall not possess or use cigarettes, cigarette paper, tobacco of any description or products made from tobacco on a school bus or on school property. A child under 18 years of age who engages in such conduct is a child in need of supervision and care or rehabilitation as provided in paragraph (a) of subsection 1 of NRS 62.040.*
Sec. 3. *1. If a child is found to be in need of supervision and care or rehabilitation pursuant to section 2 of this act, in addition to any action ordered pursuant to the provisions of this chapter, the court shall:*
(a) The first time the child is found to be in need of supervision and care or rehabilitation pursuant to section 2 of this act:
(1) Impose a fine of $50 on the child pursuant to paragraph (l) of subsection 1 of NRS 62.211 or require the child to perform community service in the manner provided pursuant to subsection 3, or both; and
(2) Require the child to complete a class designed to discourage the use of tobacco products, if such a class is available in the county.
(b) The second time the child is found to be in need of supervision and care or rehabilitation pursuant to section 2 of this act:
(1) Impose a fine of $100 on the child pursuant to paragraph (l) of subsection 1 of NRS 62.211 or require the child to perform community service in the manner provided pursuant to subsection 3, or both; and
(2) Require the child to complete a class designed to discourage the use of tobacco products, if such a class is available in the county.
(c) The third or any subsequent time the child is found to be in need of supervision and care or rehabilitation pursuant to section 2 of this act, order the suspension of the driver's license of the child for a period not to exceed 1 year. If the child does not possess a driver's license, the court shall prohibit

the child from applying for a driver's license for a period not to exceed 1 year:

(1) Immediately following the date of the order, if the child is eligible to apply for a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to apply for a license on the date of the order.

If the child is already the subject of a court order suspending or delaying the issuance of his driver's license, the court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a child pursuant to this paragraph, the court shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If the court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements that are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph.

2. If a child is required to complete a class designed to discourage the use of tobacco products pursuant to this section, the court shall order the child or his parent or guardian to pay the costs of participation in the class. If the child and his parent or guardian are unable to pay the costs of participation in the class because of financial hardship, the court shall require the child to perform community service in a manner provided pursuant to subsection 3.

3. If a child is required to perform community service pursuant to this section, the community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents. The court may require the parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of a policy for insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the child performs the work, unless, in the case of industrial

insurance, it is provided by the authority for which the child performs the work.

4. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay any money collected for fines imposed pursuant to this section to the county treasurer. On or before the 15th day of that month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the juvenile court of the county or for services to juvenile offenders.".

Amend sec. 2, page 4, by deleting lines 5 through 9 and inserting:

"(2) *Possesses or uses cigarettes, cigarette paper, tobacco of any description or products made from tobacco as prohibited by section 2 of this act.*".

Amend sec. 2, page 4, by deleting lines 20 through 30 and inserting "Nevada.".

Amend sec. 2, page 4, line 33, after "2." by inserting: "For the purposes of subsection 1, each of the following acts shall be deemed not to be a delinquent act, and the court does not have jurisdiction of a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense.

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

3.".

Amend sec. 3, page 5, line 12, by deleting "*1* " and inserting "*2*".

Amend the bill as a whole by renumbering sections 4 through 6 as sections 7 through 9 and inserting a new section designated sec. 6, following sec. 3, to read as follows:

"Sec. 6. NRS 62.175 is hereby amended to read as follows:

62.175 [Whenever any]

1. If a child is stopped by a peace officer for [any] *a* violation of a traffic law or an ordinance [which] *that* is punishable as a misdemeanor, the peace officer may prepare and issue a written traffic citation under the same criteria as would apply to an adult violator. If the child gives his written promise to appear in court by signing the citation, the officer shall deliver a copy of the citation to the child and shall not take him into physical custody for the violation.

2. If a child is detained by a peace officer for engaging in conduct prohibited by section 2 of this act, the peace officer may prepare and issue a written citation:

(a) Informing the child of the violation; and

(b) Notifying the child that he is subject to juvenile proceedings pursuant to this chapter.

If the child gives his written promise to appear for proceedings pursuant to this chapter by signing the citation, the officer shall deliver a copy of the citation to the child and shall not take him into physical custody for the violation. The officer shall provide a copy of the citation to the district attorney and the court. The citation shall be deemed to be a complaint pursuant to NRS 62.128 alleging that the child is in need of supervision.".

Amend sec. 4, page 5, line 14, by deleting "[,]" and inserting: ", [and] section 1 of Assembly Bill No. 39 of this session".

Amend sec. 4, page 5, line 15, by deleting "*1* " and inserting "*2*".

Amend sec. 4, page 6, line 14, after "for" by inserting: "at least 90 days but".

Amend sec. 4, page 6, by deleting line 16 and inserting: "the child from receiving a driver's license for at least 90 days but not more than 2 years:".

Amend sec. 4, page 6, line 18, by deleting "apply for" and inserting "receive".

Amend sec. 4, page 6, line 20, by deleting "apply for" and inserting "receive".

Amend sec. 4, page 6, lines 26 and 27, by deleting "apply for" and inserting "receive".

Amend sec. 4, page 7, between lines 19 and 20, by inserting:

"(m) If the child has not previously been found to be within the purview of this chapter and if the act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or

violence, order the child to participate in a publicly or privately operated program of sports or physical fitness. If the court orders the child to participate in such a program, the court may order any or all of the following, in the following order of priority if practicable:

(1) The parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;

(2) The child to work on projects or perform public service pursuant to paragraph (i) for a period that reflects the costs associated with the participation of the child in the program; or

(3) The county in which the petition alleging the child to be delinquent or in need of supervision is filed to pay the costs associated with the participation of the child in the program.".

Amend sec. 4, page 7, line 40, by deleting "At" and inserting: "Except as otherwise provided in section 7 of [this act,] *Senate Bill No. 102 of this session,* at".

Amend sec. 5, page 8, line 34, by deleting "*1* " and inserting "*2*".

Amend sec. 6, page 8, line 38, by deleting "*section 1* " and inserting: "*sections 2 and 3*".

Amend sec. 6, page 8, line 39, by deleting the period and inserting: "and sections 2 and 3 of [this act.] *Assembly Bill No. 176 of this session.*".

Amend sec. 6, page 9, line 1, by deleting "*1* " and inserting "*3*".

Amend sec. 6, page 9, line 3, by deleting the period and inserting: "or section 2 of [this act.] *Assembly Bill No. 176 of this session.*".

Amend the bill as a whole by renumbering sections 7 through 11 as sections 25 through 29 and adding new sections designated sections 10 through 24, following sec. 6, to read as follows:

"Sec. 10. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 19, inclusive, of this act.

Sec. 11. *The legislature hereby finds and declares that:*

1. The Surgeon General of the United States has determined that the smoking of tobacco is the leading cause of preventable death in the United States, and that approximately 434,000 Americans and 2,000 residents of this state die each year of diseases attributable to the smoking of tobacco. The Centers for Disease Control and Prevention of the Department of Health and Human Services has determined that the State of Nevada ranked first in the United States during 1994 for the percentage of deaths attributable to the smoking of tobacco.

2. The Surgeon General of the United States has determined that approximately 3,000 children begin smoking tobacco each day. The

Department of Health and Human Services, the Public Health Service, the National Institute for Health and the National Cancer Institute have determined that more than one-half of all persons who smoke tobacco begin smoking tobacco before 14 years of age, and that 90 percent of all persons who smoke tobacco begin smoking tobacco before 19 years of age. It is estimated that children spend approximately $1.5 billion on cigarettes and other products made from tobacco each year.

3. Cigarettes and other products made from tobacco are some of the most heavily advertised products in the United States. Such advertising creates an aura of glamour, intrigue and enticement for children, has a powerful and persuasive impact on their impressionable minds, and ultimately stimulates their desires to use cigarettes and other products made from tobacco before they are intellectually and emotionally capable of making an informed and rational decision about such use.

4. Outdoor advertising signs constitute a prominent and unique form of advertising. Because certain outdoor advertising signs are located near schools, children are unavoidably exposed to such signs simply by walking to school or engaging in activities on school grounds. Therefore, children are a captive audience to outdoor advertising signs located near schools and are repeatedly subjected to the unavoidable messages displayed on such signs, usually without the benefit of a parent or adult to help them assess the nature and the value of the messages.

5. This state has a compelling interest in protecting the physical and psychological welfare of children and in shielding their developing minds and bodies from the harmful influence of advertisements for cigarettes and other products made from tobacco. The children of this state are most vulnerable to the harmful influence of such advertisements when they are a captive audience while walking to school or engaging in activities on school grounds. To protect the children of this state in those areas where they are most likely to be a captive audience, it is necessary to prohibit advertisements for cigarettes and other products made from tobacco from being placed on outdoor advertising signs located near schools.

Sec. 12. *"Distribute" includes, without limitation, furnishing, giving away or providing products made from tobacco or samples thereof at no cost to promote the product, whether or not in combination with a sale.*

Sec. 13. *"Health authority" means the district health officer in a district, or his designee, or, if none, the state health officer, or his designee.*

Sec. 14. *"Outdoor advertising sign" means a sign or billboard that is:*

1. Placed outdoors;

2. Affixed, temporarily or permanently, to the ground, a building, a structure or a freestanding support; and

3. Designed or intended to advertise, promote or direct attention to a business, commodity, service or form of entertainment or attraction.

Sec 15. *"Private school" has the meaning ascribed to it in NRS 394.103.*

Sec 16. *"Public school" has the meaning ascribed to it in NRS 385.007.*

Sec. 17. *1. Except as otherwise provided in subsection 3, a person shall not place an advertisement on an outdoor advertising sign or pay for or otherwise cause an advertisement to be placed on an outdoor advertising sign if:*

(a) The advertisement advertises or promotes cigarettes, tobacco of any description or a product made from tobacco; and

(b) The outdoor advertising sign is located within 500 feet from the property line of a public school or private school and is visible from the public school or private school.

2. A person who violates the provisions of subsection 1 shall be punished by a fine of not more than $500 and a civil penalty of not more than $500.

3. The provisions of this section do not apply to an outdoor advertising sign that is located on property on which a business:

(a) Manufactures cigarettes, tobacco of any description or a product made from tobacco; or

(b) Sells as its primary commodity cigarettes, tobacco of any description or products made from tobacco.

Sec. 18. *1. The attorney general or a district attorney may bring an action in the name of the State of Nevada to enjoin a violation of the provisions of section 17 of this act.*

2. If the court finds that a violation of the provisions of section 17 has been committed, in addition to issuing an injunction and any other appropriate remedy, the court shall impose upon the person who committed the violation a civil penalty of not more than $1,000.

Sec. 19. *Any money recovered pursuant to section 17 or 18 of this act as a civil penalty must be deposited in a separate account in the state general fund to be used for the enforcement of section 17 of this act.*

Sec. 20. NRS 202.2485 is hereby amended to read as follows:

202.2485 As used in NRS 202.2485 to 202.2497, inclusive [:

1. "Distribute" includes furnishing, giving away or providing products made from tobacco or samples thereof at no cost to promote the product, whether or not in combination with a sale.

2. "Health authority" means the district health officer in a district, or his designee, or, if none, the state health officer, or his designee.] *, and sections 11 to 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 12 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 21. NRS 202.249 is hereby amended to read as follows:

202.249 1. It is the public policy of the State of Nevada and the purpose of NRS 202.2491 and 202.2492 to place restrictions on the smoking of tobacco in public places to protect human health and safety.

2. The quality of air is declared to be affected with the public interest and NRS 202.2491 and 202.2492 are enacted in the exercise of the police power of this state to protect the health, peace, safety and general welfare of its people.

3. Health authorities, police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of NRS 202.2491 and 202.2492. Police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of NRS 202.2493 and 202.2494 [.] *and sections 2 and 17 of this act.*

4. An agency, board, commission or political subdivision of this state, including any agency, board, commission or governing body of a local government, shall not impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made from tobacco than are provided by NRS 202.2491, 202.2492, 202.2493 and 202.2494 [.] *and section 17 of this act.*

Sec. 22. NRS 202.2491 is hereby amended to read as follows:

202.2491 1. Except as otherwise provided in subsections 5 and 6, the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractor, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist, doctor of Oriental medicine or doctor of acupuncture.

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises, except in those areas leased to or operated by a person licensed pursuant to NRS 463.160.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

2. The person in control of an area listed in paragraph (c), (d), (e), (f) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

A school district [which prohibits the use of tobacco by pupils] need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. The person in control of a child care facility shall not allow children in any room or area he designates for smoking pursuant to paragraph (b) of subsection 2. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.

8. As used in this section:

(a) "Child care facility" means an establishment licensed pursuant to chapter 432A of NRS to provide care for 13 or more children.

(b) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

(c) "Public building" means any building or office space owned or occupied by:

(1) Any component of the University and Community College System of Nevada and used for any purpose related to the system.

(2) The State of Nevada and used for any public purpose, other than that used by the department of prisons to house or provide other services to offenders.

(3) Any county, city, school district or other political subdivision of the state and used for any public purpose.

If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.

(d) "School bus" has the meaning ascribed to it in NRS 483.160.

Sec. 22.5. NRS 202.2496 is hereby amended to read as follows:

202.2496 1. As necessary to comply with applicable federal law, the attorney general shall conduct random, unannounced inspections at locations where tobacco and products made from tobacco are sold, distributed or offered for sale to inspect for and enforce compliance with NRS 202.2493 and 202.2494. For assistance in conducting any such inspection, the attorney general may contract with:

(a) Any sheriff's department;

(b) Any police department; or

(c) Any other person who will, in the opinion of the attorney general, perform the inspection in a fair and impartial manner.

2. *A sheriff's department or police department may, within its jurisdiction and independently of the attorney general, conduct random, unannounced inspections at locations where tobacco and products made from tobacco are sold, distributed or offered for sale to inspect for and enforce compliance with NRS 202.2493 and 202.2494. The department shall report the results of any such inspection to the attorney general.*

3. If [the] *an* inspector desires to enlist the assistance of a child under the age of 18 for such an inspection, the inspector shall obtain the written consent of the child's parent for such assistance.

[3.] *4.* A child assisting in an inspection pursuant to this section shall, if questioned about his age, state his true age and that he is under 18 years of age.

[4.] *5.* If a child is assisting in an inspection pursuant to this section, the person supervising the inspection shall:

(a) Refrain from altering or attempting to alter the child's appearance to make him appear to be 18 years of age or older.

(b) Photograph the child immediately before the inspection is to occur and retain any photographs taken of the child pursuant to this paragraph.

[5.] *6.* The person supervising an inspection using the assistance of a child shall, within a reasonable time after the inspection is completed:

(a) Inform a representative of the business establishment from which the child attempted to purchase tobacco or products made from tobacco that an inspection has been performed and the results of that inspection.

(b) Prepare a report regarding the inspection. The report must include the following information:

(1) The name of the person who supervised the inspection and the position held by him;

(2) The age and date of birth of the child who assisted in the inspection;

(3) The name and position of the person from whom the child attempted to purchase tobacco or products made from tobacco;

(4) The name and address of the establishment at which the child attempted to purchase tobacco or products made from tobacco;

(5) The date and time of the inspection; and

(6) The result of the inspection, including whether the inspection resulted in the sale, distribution or offering for sale of tobacco or products made from tobacco to the child.

[6.] *7.* No civil or criminal action based upon an alleged violation of NRS 202.2493 or 202.2494 may be brought as a result of an inspection for compliance in which the assistance of a child has been enlisted unless the inspection has been conducted in accordance with the provisions of this section.

Sec. 23. NRS 391.275 is hereby amended to read as follows:

391.275 [The]

1. Except as otherwise provided in subsection 2, the jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district, for the purpose of:

[1.] *(a)* Protecting school district personnel, pupils, or real or personal property; or

[2.] *(b)* Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. A school police officer may issue a citation pursuant to subsection 2 of NRS 62.175 to a person who is under 18 years of age if the person engages in conduct prohibited by section 2 of this act.

Sec. 24. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district shall adopt and enforce measures for disciplining a pupil who engages in conduct prohibited by section 2 of this act.".

Amend sec. 7, page 9, line 30, by deleting "*1* " and inserting "*3*".

Amend sec. 7, page 9, line 31, after "62.228" by inserting: "or section 2 of [this act] *Assembly Bill No. 176 of this session*".

Amend sec. 8, page 10, by deleting line 1 and inserting:

"(1) A violation of subsection 2 of NRS 484.377 or NRS 484.3795 or".

Amend sec. 8, page 10, line 29, by deleting "484.3794" and inserting "484.3794,".

Amend sec. 8, page 11, line 1, by deleting "*1* " and inserting "*3*".

Amend sec. 8, page 11, line 2, after "62.228," by inserting: "or section 2 of [this act,] *Assembly Bill No. 176 of this session,*".

Amend sec. 9, page 11, line 26, by deleting "*1* " and inserting "*3*".

Amend sec. 9, page 11, line 27, after "62.228," by inserting: "or section 2 of [this act,] *Assembly Bill No. 176 of this session,*".

Amend sec. 9, page 12, line 7, by deleting "by" and inserting "pursuant to".

Amend sec. 10, page 12, line 19, by deleting "*1* " and inserting "*3*".

Amend sec. 10, page 12, by deleting lines 20 and 21 and inserting: "subsection 1 of NRS 62.211, NRS 62.227 and section 3 of [this act,] *Assembly Bill No. 176 of this session,* set forth any tests and other requirements which".

Amend sec. 10, page 12, line 25, by deleting: "a person's ability" and inserting: "the ability of a person".

Amend sec. 11, page 12, line 38, by deleting "*1* " and inserting "*3*".

Amend sec. 11, page 12, line 39, by deleting the period and inserting: "or section 2 of [this act.] *Assembly Bill No. 176 of this session.*".

Amend the bill as a whole by renumbering sections 12 and 13 as sections 31 and 32 and adding a new section designated sec. 30, following sec. 11, to read as follows:

"Sec. 30. The health division of the department of human resources shall:

1. Study the factors that contribute to the use by children of cigarettes and other products made from tobacco; and

2. Submit to the legislature, not later than the fifth calendar day of the next regular session of the legislature, a report detailing any findings and recommendations concerning methods of eliminating or decreasing the use by children of cigarettes and other products made from tobacco.".

Amend sec. 13, page 13, by deleting line 4 and inserting:

"Sec. 32. 1. The amendatory provisions of sections 1 to 9, inclusive, and 22 to 29, inclusive, of this act do not apply to:".

Amend sec. 13, page 13, line 5, by deleting "1." and inserting "(a)".

Amend sec. 13, page 13, line 8, by deleting "2." and inserting "(b)".

Amend sec. 13, page 13, after line 11, by inserting:

"2. The amendatory provisions of sections 10 to 21, inclusive, of this act do not apply to an advertisement that is placed on an outdoor advertising sign, as defined in section 14 of this act, before October 1, 1997, unless the advertisement is displayed on or after October 1, 1997.".

Amend the bill as a whole by adding a new section designated sec. 33, following sec. 13, to read as follows:

"Sec. 33. 1. Section 4 of this act become effective at 12:01 a.m. on October 1, 1997.

2. Section 7 of this act becomes effective at 12:04 a.m. on October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to tobacco; prohibiting a minor from possessing or using tobacco products on school

property; providing that a minor who engages in such conduct is a child in need of supervision and care or rehabilitation; requiring a minor who engages in such conduct to pay a fine or perform community service; requiring such a minor to attend a class designed to discourage the use of tobacco products for a first or second occurrence; requiring the driver's license of such a minor to be suspended for not less than 1 year for a third or subsequent occurrence; authorizing school police officers and other peace officers to issue a citation to such a minor in certain circumstances; prohibiting certain outdoor advertisements for tobacco products near schools; requiring the health division of the department of human resources to study the factors that contribute to the use of tobacco products by minors; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes to provisions relating to possession and use of tobacco products by minors and advertising of tobacco products near schools. (BDR 5-388)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 558, 637, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 451, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 27, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 59.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 59.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Ernaut, Marvel, Carpenter, Hickey, Price and Dini.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. Unfortunately, none of the Dressler family could be here today. They are all ill. Many of you know Lou Bergevin. Lou served in these chambers for 14 years as the assemblyman from Douglas County. He is Fred Dressler's son-in-law. He left these chambers immediately preceding my arrival and was a great support to me. Apparently Lou has some form of leukemia and is having blood transfusions on a routine basis, so he is not very well today. Frederick Dressler, Fred Dressler's son, frequents this building on various Ways and Means concerns dealing with agricultural issues in which the Dressler family is still very much involved. Frederick's wife is ill today.

Fred Dressler was already an historic figure long before I moved to Nevada in 1972. He was an interesting man. He is the only man I've ever known who had his own personal parking place at Sharky's in Gardnerville because he went there every single morning for breakfast. It was like holding court. Everyone came to essentially kiss Fred's ring and talk about whatever went on. He was an incredible man with incredible knowledge, and it was really something to watch.

Fred was extremely active until the age of 94 or 95, when he was involved in an automobile accident. The accident incapacitated him to the extent that he lost some of his mobility, and he started to go downhill a bit. I remember after Fred was incapacitated and at home, he called me one day and left a message on my answering machine. I called back and asked him how I could help him. He said, "I've got a good friend who is having a problem with his car. I know you like cars. I need somebody who can fix a carburetor." It was incredible. He would call anybody for a friend. He'd do anything for a friend and call anybody he thought might know something to help out.

I would point out to you that if you go down toward the Senate, you'll find a picture of William Dressler, Fred's father, who served in these halls as a senator from Douglas County for 28 years. I believe that is still the record for a senator's service in the state of Nevada. The Dressler family has a long history of service to the state, and I'm glad we did this resolution. I think it is important to pass it on to Lou Bergevin, his daughter, and the rest of the members of his family. Senator Jacobsen and I will personally deliver this to Lute and talk to Lou and send our best regards. I urge your support.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution 59. I think it comes as a surprise to many people who have been in this body for a while that I was very, and am still very, very close to Fred's son-in-law, Lou Bergevin. Through Lou and my employment under him, I had the occasion to meet Fred Dressler some years back.

People talk about patriarchs, icons and halls of fame. This guy was all those things. He was a staple to Nevada and a great, great man in so many ways.

When I first met him, I was over at his house on Dressler Lane, of course, and he had a ranch over there for some years. He basically had everything from Douglas High School to California. They owned that side of the road and the Dangbergs owned the other side of the road. We were in his house and we got to talking about my background and where my family was from. Some of my family was from the Douglas County area, and I have two great uncles who are buried in the Gardnerville cemetery. As we were talking, he got into his old roll-top desk—and God knows how old that thing was because at the time he was about 92 and it looked at least two or three times older than him—and he never got rid of anything. He had magazines, and Western Horseman and Louis L'amour from probably 50 and 60 years back. He rummaged through for maybe 15 minutes and pulled out a pay stub to my great uncle, Zaun Leon, from 1919, where my great uncle had run sheep for Fred way back. Just having known him for a grand total of maybe 30 minutes at that time, it was a remarkable feat.

If you read from the resolution, you'll see that he rode the Pony Express and that his last ride was 1992. I want to bring to your attention that he was 94 years old when he rode his last Pony Express ride, and I can tell you he did it with the vim and vigor as he did when he was 34 years old. He served on the State Board of Education for, I think, 40 years. He was involved in so many things political and so many things philanthropic. As the Minority Leader said, he was a staple also at Sharky's. I can tell you, and I'm kind of saddened, because his being incapacitated at the end of his life from the car wreck. I don't mean to make light of that because anybody that ever got into a car that he was driving would understand my story. He had an old Plymouth that he kept at the ranch, and I can't even remember how many years old it was. I made the mistake one day of actually getting in this car and going to Sharky's for breakfast with him, and I can tell you, I have no idea how he lived 94 years driving the way that he did. We banked off of every ditch between Dressler Lane and Sharky's that was out there, and by the time I got to breakfast, I'm not sure I was even hungry because my fingernails were imbedded in the dashboard. Certainly, I offered to drive the car home when we were done.

He was a great man, comes from a very great family. I know there are many stories from within this body from the Speaker, Mr. Marvel and many others. He was truly a Nevadan and truly the patriarch of this area and certainly Nevada is sadder without him.

Assemblyman Marvel:

Thank you, Mr. Speaker. It is a pleasure, in a way, to be here today. I'm sorry that we don't have Fred Dressler with us. I'm also sorry we don't have Lou Bergevin, Frederick and Luetta in our midst.

Fred Dressler was really the epitome of the old Nevada spirit. Independence was his watch word. Nobody ruffled him. If people didn't know better, they would have thought Lou Bergevin was his son because he was kind of a chip off the old block.

Fred always kind of had a running battle with federal bureaucrats. I recall one time, Sam Dupre was his accountant, the same as ours. He was in San Francisco and they were having a problem with the internal Revenue Service and Fred threatened to throw the agent out the window of the seventh story and Sam___ stopped him. After reflecting on it, Sam told me, "That was the biggest mistake I ever made."

One thing about Fred is he was a man of impeccable honor, of the breed that he shook your hand or gave you his word, it was better than a signed contract, and certainly he will be missed by all Nevadans.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of SCR 59. I had the pleasure to serve on many boards with Fred Dressler, the BLM Advisory Board and various boards within the livestock organizations. I guess the way you could describe him best is that he was a cowboy's cowboy." I remember I think it was about the first session that I was here and we had another knife bill here. We were going to outlaw knives and Fred Dressler found out about it. He

came down here, and the words he used were not very polite. With that and his help, we were able to defeat the knife bill that session.

Fred Dressler was a great guy, and whatever he said, you could take it to the bank, and I know that my life is much better for having known him.

ASSEMBLYMAN HICKEY:

Thank you, Mr. Speaker. I, too, rise in support of SCR 59. Being from an old family myself from Douglas—in fact, we were related through marriage—and in the interests of time I'll only relate one account. Some of you know I had been a reporter before and I was assigned to interview him upon his receiving or being entered into the cowboy hall of fame. I started off the interview by saying to him, "I guess the words of Willie Nelson don't apply to you, Fred. The words, 'Momma, Don't Let Your Sons Grow Up To Be Cowboys," and he immediately cussed me out, sat me down and said, "You don't know a damn thing about Willie Nelson. He sat right here." And he proceeded to give me about a two-hour lecture. As was said, that was the kind of man he was, and I just wanted to rise today as well. Thank you, Mr. Speaker.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I am very pleased to be able to rise in support of SCR 59. I had the pleasure and was fortunate enough to meet and get to know a little bit and certainly a little bit about and visit with Fred over the early years when I started, and there was no doubt about him being a "cowboy's cowboy." I have to say, the last time that I saw Fred was in fact in Sharky's, and I think it was only a few days before his demise. We like to go down there and eat. Fred comes shuffling across the floor there and they always had a special place and special meals reserved for Fred. I think he even had a bingo thing in his hand or something, but I was thinking at the time how great it was. I guess he was probably 94 then, and he was still getting out and around and coming down to Sharky's, and by the way, they have some wonderful pictures of Fred in the dining room downstairs there if you're ever in Shark's if you take a few moments as you're looking at all of the photographs. From my own perspective the one I think kind of unique thing that I ran across accidentally, I don't know how many years ago, we were having a party in the old archives, some kind of a legislative thing over there. I was flipping through some of our old written records, and low and behold, in handwritten record of I guess what would have been then the department of motor vehicles or their forerunners or what have you, you may be surprised to know that Fred Dresser had the very first issued license plate when they decided to start licensing cars in the state of Nevada. The number "1" went to Fred Dresser, so I always got to remember that, too.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With your permission, I'd like to take this opportunity to make a few remarks. A couple of generations of Dinis have known the Dresslers, and my dad and Bill Dressler were good friends. When I came here in 1967, one of the first people I met was Fred Dressler, who was chairing the Agriculture Committee, and we continued our association. Fred and I worked on some water law issues a few years ago, and he was very helpful. He knew more about water law and the Carson River than any of our experts. We also worked together on the Subconservancy District and on a multitude of bills.

Fred was always a fair and just man, and the loss of Fred Dressler is a loss for all of Nevada.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 655—An Act relating to state land; authorizing the conveyance of certain land and leaseholds to the City of Las Vegas for use as a public park; and providing other matters properly relating thereto.

Assemblywoman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that all rules be suspended and that Assembly Bill No. 345 be declared an emergency measure under the Constitution and placed on Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 795.

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

"Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The commission shall levy and collect an annual assessment from each railroad subject to the jurisdiction of the commission that transports cargo into, out of or through this state to support the activities of the commission relating to railroad safety.

2. The total annual assessment levied on railroads must be equal to one-half of the costs incurred by the commission that are not offset by the fees paid pursuant to NRS 459.512.

3. The commission shall pay the remaining half of the costs that are not offset by the fees paid pursuant to NRS 459.512 and the assessment levied pursuant to this section.

4. On or before August 1 of each year, the commission shall:

(a) Calculate the amount of the assessment to be levied pursuant to this section for the previous fiscal year; and

(b) Mail to each railroad subject to the provisions of this section to the current address of the railroad on file with the commission a notice indicating the amount of the assessment. The failure of the commission to so notify a railroad does not invalidate the assessment.

5. An assessment levied pursuant to this section is due on or before October 1 of each year. Each railroad that is subject to the provisions of this section which fails to pay the assessment on or before November 1, shall pay, in addition to the assessment, a penalty of 1 percent of the total unpaid balance for each month or portion thereof that the assessment is delinquent

or $10, whichever is greater, except that no penalty may exceed $1,000 for each delinquent payment.

6. If a railroad sells or transfers its certificate of public convenience and necessity or sells or transfers substantially all of its assets, the commission shall calculate, levy and collect the accrued assessment for the current year not later than 30 days after the sale or transfer, unless the purchaser or transferee has assumed liability for the assessment. For the purposes of this subsection, the jurisdiction of the commission over the sale or transfer of a railroad continues until the assessment of the railroad has been paid.

7. The commission may bring an appropriate action in its own name for the collection of any assessment and penalty that is not paid pursuant to this section.".

Amend the title of the bill, third line, after "safety;" by inserting: "requiring the commission to pay certain expenses for activities of the commission relating to railroad safety;".

Amend the summary of the bill to read as follows: "Summary—Requires public service commission of Nevada and certain railroads to pay certain expenses for activities of commission relating to railroad safety. (BDR 58-1228)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 205:

YEAS — 42.

NAYS — None.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 268.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 268:

YEAS — 42.

NAYS — None.

Assembly Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 405.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 405:

YEAS — 35.

NAYS — Buckley, Ernaut, Hettrick, Hickey, Lambert, Neighbors, Sandoval — 7.

Assembly Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Herrera moved that Assembly Bill No. 303 be taken from the Chief Clerk's desk and placed on the General File immediately following Senate Joint Resolution No. 13.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 549 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 574 be taken from its position on the General File and placed on the General File immediately following Assembly Bill No. 303.

GENERAL FILE AND THIRD READING

Assembly Bill No. 606.

Bill read third time.

Remarks by Assemblymen Close, Evans, Koivisto and Herrera.

Conflicts of interest declared by Assemblymen Koivisto, Evans and Humke.

Potential conflict of interest declared by Assemblyman Herrera.

Roll call on Assembly Bill No. 606:

YEAS — 40.

NAYS — None.

Not voting — Evans, Humke — 2.

Assembly Bill No. 606 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Assembly Bill No. 123:
YEAS — 41.
NAYS — Evans.
Assembly Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 221.
Bill read third time.
Remarks by Assemblyman Close.
Roll call on Assembly Bill No. 221:
YEAS — 42.
NAYS — None.
Assembly Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 337.
Bill read third time.
Remarks by Assemblyman Hickey.
Roll call on Assembly Bill No. 337:
YEAS — 42.
NAYS — None.
Assembly Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 363.
Bill read third time.
Remarks by Assemblywoman Segerblom.
Roll call on Assembly Bill No. 363:
YEAS — 42.
NAYS — None.
Assembly Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 404.
Bill read third time.
Remarks by Assemblywoman Cegavske.

Roll call on Assembly Bill No. 404:
YEAS — 37.
NAYS — Buckley, Giunchigliani, Goldwater, Lambert, Perkins — 5.
Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 454.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Assembly Bill No. 454:
YEAS — 42.
NAYS — None.
Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 496.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Assembly Bill No. 496:
YEAS — 42.
NAYS — None.
Assembly Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 498.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 498:
YEAS — 42.
NAYS — None.
Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 521.
Bill read third time.
Remarks by Assemblymen Buckley, Freeman and Krenzer.
Conflict of interest declared by Assemblywoman Krenzer.
Roll call on Assembly Bill No. 521:
YEAS — 41.
NAYS — None.
Not voting — Krenzer.

Assembly Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 542.

Bill read third time.

Remarks by Assemblymen Gustavson and Chowning.

Roll call on Assembly Bill No. 542:

YEAS — 42.

NAYS — None.

Assembly Bill No. 542 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 566.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 566:

YEAS — 42.

NAYS — None.

Assembly Bill No. 566 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 580.

Bill read third time.

Remarks by Assemblymen Perkins and Price.

Conflict of interest declared by Assemblyman Price.

Roll call on Assembly Bill No. 580:

YEAS — 42.

NAYS — None.

Assembly Bill No. 580 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Herrera moved that Assembly Bill No. 303 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblymen Amodei, Chowning, Ernaut and Price.

Roll call on Senate Bill No. 137:
YEAS — 37.
NAYS — Chowning, Evans, Freeman, Giunchigliani, Perkins — 5.
Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 172.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 172:
YEAS — 42.
NAYS — None.
Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:54 p.m.

ASSEMBLY IN SESSION

At 1:14 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 177.
Bill read third time.
Remarks by Assemblywoman Von Tobel.
Roll call on Senate Bill No. 177:
YEAS — 42.
NAYS — None.
Senate Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 183.
Bill read third time.
Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 183:
YEAS — 42.
NAYS — None.
Senate Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Herrera moved that Assembly Bill No. 303 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 184.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Senate Bill No. 184:
YEAS — 42.
NAYS — None.
Senate Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 185.
Bill read third time.
Remarks by Assemblywoman Krenzer.
Roll call on Senate Bill No. 185:
YEAS — 42.
NAYS — None.
Senate Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 231 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Ernaut moved that Senate Bill No. 186 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Senate Bill No. 417.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 417:

YEAS — 42.

NAYS — None.

Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblymen Nolan, Segerblom and Price.

Roll call on Senate Joint Resolution No. 13:

YEAS — 42.

NAYS — None.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 303.

Bill read third time.

Remarks by Assemblymen Goldwater, Anderson, Close and Herrera.

Roll call on Assembly Bill No. 303:

YEAS — 24.

NAYS —Amodei, Berman, Braunlin, Cegavske, Close, Gustavson, Hettrick, Hickey, Humke, Lambert, Lee, Marvel, Nolan, Sandoval, Tiffany — 15.

Not voting — Anderson, Carpenter, Von Tobel — 3.

Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 186.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Senate Bill No. 186:

YEAS — 42.

NAYS — None.

Senate Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 574.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 923.

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

"Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

The welfare division shall not contract with a person to distribute checks for public assistance unless the person is licensed by the division of financial institutions of the department of business and industry pursuant to Title 55 of NRS.

Sec. 2. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows: "An Act relating to public welfare; prohibiting the welfare division of the department of human resources from contracting with certain persons to distribute checks for public assistance; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Prohibits welfare division of department of human resources from contracting with certain persons to distribute checks for public assistance. (BDR 38-1775)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 27, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 396, 482.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 656—An Act relating to physical therapists; revising provisions governing the temporary licensure of physical therapists; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 396.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 482.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 657—An Act relating to tow cars; requiring operators of tow cars to obtain certificates of public convenience and necessity before operating in this state; requiring the public service commission of Nevada to issue certificates of public convenience and necessity to all operators of tow cars who were previously authorized by the commission to operate in this state; authorizing the commission to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle; requiring operators of tow cars to file their rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle with the commission; making various changes concerning operators of tow cars; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 303 was this day passed.

SECOND READING AND AMENDMENT

Assembly Bill No. 549.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 889.

Amend section 1, page 1, line 3, by deleting "*An*" and inserting: "*Except as otherwise provided in subsection 2, an*".

Amend section 1, page 2, line 7, after "*2.*" by inserting: "*The provisions of this section do not apply to an insurer who issues a policy of health insurance that provides coverage for long-term care or disability income.*

3.".

Amend section 1, page 2, line 14, after the italicized semicolon, by inserting "*or*".

Amend section 1, page 2, line 16, by deleting "*mental; or*" and inserting "*mental.*".

Amend section 1, page 2, by deleting lines 17 and 18.

Amend sec. 2, page 2, line 21, by deleting "*An*" and inserting: "*Except as otherwise provided in subsection 2, an*".

Amend sec. 2, page 2, line 33, after "*2.*" by inserting: "*The provisions of this section do not apply to an insurer who issues a policy of group health insurance that provides coverage for long-term care or disability income.*

3.".

Amend sec. 2, page 2, line 40, after the italicized semicolon, by inserting "*or*".

Amend sec. 2, page 2, line 42, by deleting "*mental; or*" and inserting "*mental.*".

Amend sec. 2, page 2, by deleting lines 43 and 44.

Amend sec. 3, page 3, line 3, by deleting "*A*" and inserting: "*Except as otherwise provided in subsection 2, a*".

Amend sec. 3, page 3, line 15, after "*2.*" by inserting: "*The provisions of this section do not apply to a carrier serving small employers who issues a policy of health insurance that provides coverage for long-term care or disability income.*

3.".

Amend sec. 3, page 3, line 22, after the italicized semicolon, by inserting "*or*".

Amend sec. 3, page 3, line 24, by deleting "*mental; or*" and inserting "*mental.*".

Amend sec. 3, page 3, by deleting lines 25 and 26.

Amend sec. 4, page 3, line 29, by deleting "*A*" and inserting: "*Except as otherwise provided in subsection 2, a*".

Amend sec. 4, page 3, line 41, after "*2.*" by inserting: "*The provisions of this section do not apply to a corporation that issues a policy of health insurance that provides coverage for long-term care or disability income.*

3.".

Amend sec. 4, page 4, line 5, after the italicized semicolon, by inserting "*or*".

Amend sec. 4, page 4, line 7, by deleting "*mental; or*" and inserting "*mental.*".

Amend sec. 4, page 4, by deleting lines 8 and 9.

Amend sec. 5, page 4, line 30, after the italicized semicolon, by inserting "*or*".

Amend sec. 5, page 4, line 32, by deleting "*mental; or*" and inserting "*mental.*".

Amend sec. 5, page 4, by deleting lines 33 and 34.

Amend sec. 6, page 5, by deleting line 3 and inserting: "the requirements of NRS 695C.170 to 695C.200, inclusive, [or] *and* section 5 of [this act;] *Assembly Bill No. 477 of this session and section 5* ".

Amend sec. 6, page 5, line 18, by deleting "under" and inserting "pursuant to".

Amend sec. 6, page 5, by deleting line 28 and inserting: "comply substantially with the provisions of this chapter.".

Amend sec. 6, page 5, line 31, by deleting "When" and inserting "If ".

Amend sec. 6, page 5, line 36, by deleting "When" and inserting "If ".

Amend sec. 6, page 5, line 41, by deleting "whatsoever." and inserting: "of any kind.".

Amend sec. 6, page 5, line 43, by deleting "will be" and inserting "are".

Amend sec. 10, page 6, line 12, after the italicized semicolon, by inserting "*or*".

Amend sec. 10, page 6, line 14, by deleting "*mental; or*" and inserting "*mental.*".

Amend sec. 10, page 6, by deleting lines 15 through 16.

Amend the bill as a whole by renumbering sections 11 through 14 as sections 12 through 15 and adding a new section designated sec. 11, following sec. 10, to read as follows:

"Sec. 11. *1. The provisions of sections 8 to 18, inclusive, of this act, do not apply to any action taken by an insurer or a third-party administrator relating to a policy that provides coverage for long-term care or disability income.*

2. As used in this section, "third-party administrator" has the meaning ascribed to it in NRS 616A.335.".

Amend sec. 11, page 6, by deleting lines 17 through 19 and inserting:

"Sec. 12. *A person who takes a genetic test may inspect* ".

Amend sec. 11, page 6, line 20, by deleting "*of or*" and inserting "*or* ".

Amend sec. 13, page 6, by deleting line 37 and inserting:

"Sec. 14. *1. It is unlawful to retain genetic information that identifies a person,*".

Amend sec. 13, page 6, line 42, after the italicized semicolon, by deleting "*or* ".

Amend sec. 13, page 6, line 43, by deleting "*jurisdiction.*" and inserting: "*jurisdiction; or*

(c) Necessary for a medical facility as defined in NRS 449.0151 to maintain a medical record of the person.".

Amend sec. 13, page 7, line 6, after the italicized semicolon, by deleting "*or* ".

Amend sec. 13, page 7, line 7, by deleting "*jurisdiction.*" and inserting: "*jurisdiction;*

(c) Necessary for a medical facility as defined in NRS 449.0151 to maintain a medical record of the person; or

(d) Authorized or required by state or federal law or regulation.".

Amend sec. 13, page 7, line 8, by deleting "*4,*" and inserting: "*4 or by federal law or regulation,*".

Amend the bill as a whole by deleting sec. 15.

Amend sec. 16, page 8, by deleting lines 4 through 14, and inserting :

"Sec. 16. *1. Except as otherwise provided in subsection 2, the state board of health shall by regulation:*

(a) Establish a procedure for obtaining the informed consent of a person pursuant to sections 8 to 18, inclusive, of this act; and

(b) Prescribe a form for use in obtaining the informed consent of a person. The form must include:

(1) Information relating to the use and confidentiality of the genetic information of the person set forth in sections 8 to 18, inclusive, of this act; and

(2) Any other information the state board of health may prescribe.

2. The state board of health is not required to adopt regulations establishing a procedure for obtaining the informed consent of a person pursuant to sections 8 to 18, inclusive, of this act, if the procedure for obtaining that consent is required by federal law or regulation.".

Amend sec. 17, page 8, lines 15 and 16, by deleting: "*12, 13 or 14* " and inserting: "*13, 14 or 15* ".

Amend sec. 18, page 8, line 18, by deleting "*14.*" and inserting "*15* ".

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

"Sec. 21. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 360.

The following Senate amendment was read:

Amendment No. 663.

Amend the bill as a whole by adding a new section designated sec. 25.5, following sec. 25, to read as follows:

"Sec. 25.5. NRS 661.145 is hereby amended to read as follows:

661.145 1. No person is eligible to serve as a director or manager of any bank, organized or existing under the laws of this state, unless he is a bona fide owner of stock of the bank or its holding company, or has a member's interest in the bank. The stock or interest owned must have a total fair market value of at least $1,000. A determination of the value of the stock or interest must be based on its value on the date it was purchased or on its value on the date the owner became a director, whichever is greater. The stock or the member's contribution must be fully paid and not pledged.

2. [Except in the case of a merger between an out-of-state bank and a Nevada bank or an out-of-state bank that acquires a branch in Nevada pursuant to the provisions of chapter 666 of NRS, a majority of the board of directors or managers of every bank must be residents of the State of Nevada, and at least one of the directors or managers must reside in the county where its principal place of business is to be conducted.

3.] For the purposes of this section, "holding company" has the meaning ascribed to it in NRS 666.005.".

Amend the bill as a whole by deleting sec. 43 and inserting:

"Sec. 43. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 104.5, following sec. 104, to read as follows:

"Sec. 104.5. Section 1 of Assembly Bill No. 8 of this session is hereby amended to read as follows:

Section 1. NRS 661.145 is hereby amended to read as follows:

661.145 1. No person is eligible to serve as a director or manager of any bank, organized or existing under the laws of this state, unless he [is] *:*

(a) Is a bona fide owner of stock of the bank or its holding company [, or has] *;*

(b) Holds stock of the bank or its holding company in a revocable trust; or

(c) Has a member's interest in the bank.

2. The stock or interest owned *or held pursuant to subsection 1* must have a total fair market value of at least $1,000. A determination of the value of the stock or interest must be based on its value on the date it was purchased or on its value on the date the owner *or holder of the stock or interest* became a director, whichever is greater. The stock or the member's contribution must be fully paid and not pledged.

[2.] *3.* For the purposes of this section, "holding company" has the meaning ascribed to it in NRS 666.005.".

Amend sec. 106, page 56, line 3, by deleting "104," and inserting "104.5,".

Assemblyman Perkins moved that the Assembly concur in the Senate amendment to Assembly Bill No. 360.

Remarks by Assemblyman Perkins.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 122, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Segerblom, Carpenter and Collins as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 122.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 258, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Collins, Sandoval and Anderson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 258.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 69, 117, 435, 458, 477; Assembly Concurrent Resolution No. 49; Assembly Resolution No. 15; Senate Bills Nos. 115, 221, 255, 260; Senate Concurrent Resolutions Nos. 39, 55, 56, 57.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Luci-Ann Zuend and Erin Amodei.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Sandee Ramos and Brandee Ramos.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Donald Bailey.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Bert Cooper, Barbara Pope, Robert Collis, Constance Pope and Joanne Fuller.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Marianne Vallin and Ola Malmqvist.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, June 28, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:50 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

ONE HUNDRED AND SIXTIETH DAY

CARSON CITY (Saturday), June 28, 1997

Assembly called to order at 10:45 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Heavenly Father. Well, it's the first weekend of summer. We'd like to be doing summertime things today: picnics, barbecues, even yard work. But they will have to wait. As we finish up our time here, we pray for patience, compassion, and understanding. Give us a spirit of cooperation that crosses partisan lines. Thank You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 148, 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 547, 634; Senate Bills Nos. 291, 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Joint Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 133, 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Joint Resolution No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 613, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 611, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Taxation.

ROBERT E. PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 27, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 12, 216, 217, 218, 220, 294, 299, 355, 448.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 440, 573 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 52, 53, 54.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 150, 425.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Assembly Bill No. 30 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 519, 543, 549, 574, 583, 594, 607, 615, 619, 626, 628; Senate Bills Nos. 33, 145, 242, 398 be placed on the General File.

Motion carried.

By Assemblymen Ohrenschall, Williams, Giunchigliani, Amodei, Humke, Close, Herrera, Goldwater, Arberry, Perkins, Buckley, Berman, de Braga, Neighbors, Marvel, Von Tobel, Segerblom, Chowning, Bache, Price, Mortenson, Braunlin, Sandoval, Carpenter, Anderson, Manendo, Lee, Hickey, Lambert, Freeman, Koivisto, Collins, Gustavson, Evans, Tiffany, Nolan, Hettrick, Cegavske, Parks, Dini, Krenzer and Ernaut:

Assembly Concurrent Resolution No. 55—Commending retired educator Ruth Albright Stringer.

WHEREAS, Ruth Albright Stringer, one of 10 siblings, was born to A.G. and Annie Albright of Hoxie, Arkansas, on October 9, 1909; and

WHEREAS, A lifelong love for math was instilled in this young girl by a favorite teacher who made the subject interesting through the use of innovative and relevant hands-on activities that culminated in Ruth's analyzing the numbers on freight train cars on her way to school to determine the prime factors of each number, a practice in which she still engages when looking at license plates; and

WHEREAS, Ruth Stringer's early years growing up in a small town where she learned the value of working closely with others to improve her community instilled in her a desire to be a part of everything around her; and

WHEREAS, Because of her devoted father's often-repeated reminder, "Remember, Sister, every cloud has a silver lining," Ruth developed a remarkably positive attitude that served her through the Great Depression; and

WHEREAS, Ruth Stringer began her first teaching position on the ninth day of the ninth month of 1929 as a third grade teacher and pursued that career for 39 years, 11 of which were in Clark County, plus an additional year as a substitute teacher; and

WHEREAS, During those 39 years, a professional folder 4 inches thick, filled with positive notations and anecdotes, was compiled for this extraordinary teacher; and

WHEREAS, In addition to her exemplary role as an instructor, Ruth volunteered long hours to numerous activities in the school system, such as sponsoring several classes, a cheerleading squad and a drill team for majorettes, coaching basketball teams and drama groups, planning and directing tours for her classes, and participating actively in the Parent-Teacher Association; and

WHEREAS, This dedicated teacher has been appropriately rewarded with such honors as Outstanding Teacher of the Year in Clark County in 1970, Distinguished Teacher for 1974-1975 for the Nevada State Education Association, Clark County Educator Mother of the Year in 1987 and Nevada State Retired Teachers Association Certificate in recognition of services as auditor and nominating committee chair; and

WHEREAS, Ruth Stringer also found time to involve herself in political activities for 32 years because she believed one should be aware of what is happening in the community, state and nation; and

WHEREAS, Ruth Stringer unbelievably had enough energy after all her other activities to become involved with community activities such as the Girl Scouts; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th session of the Nevada Legislature offer their commendation to Ruth Albright Springer for her unselfish devotion to her family, her community, the educational system and the numerous organizations of which she is a part; and be it further

RESOLVED, That the members of this legislative body express their admiration for a person who exemplifies the highest standards of character and is a role model for countless students and teachers; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Ruth Albright Springer.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall, Manendo, Giunchigliani, Williams, Price, Chowning, Segerblom and Bache.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. Ruth Albright Stringer is an example of what public education is all about, not just the quality of the teaching but her commitment to students, taking the time to look at at-risk students, and opening her own home and her own activities to them.

Ruth Stringer was one of the founders of Teachers in Politics. When I first met her, I had been elected treasurer of Public Volunteer Organization. I was a very reluctant treasurer because I didn't have a background in accounting. Well, Ruth Stringer did, and she sat with me and we went over the books and records of the organization, pretty much on a weekly basis, so that everything turned out very well. I can tell the body right now that without Ruth's help, that organization might not have fared nearly as well.

Ruth has donated her time to help seniors do their taxes. Now that she is retired, she also gives her time to tutor students who need assistance in math, without any notice or praise from anyone. This is what a normal, ordinary schoolteacher is all about, this is what Ruth Stringer is, and this is why I feel that we should honor her. I urge this body to join me in adopting ACR 55.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. I, too, rise in support of my friend, Ruth Stringer. She is one of the finest women I've ever met. She is very involved in many organizations in southern Nevada. When we see Ruth at meetings, she is always doing what she does best—educating us, giving us the love in her heart, and her guidance.

It is truly an honor to rise in support of this resolution. Ruth, I love you. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of ACR 55. I've known Ruth for quite a few years and I've always depended on her for words of encouragement as well as words of advice. For those of you who may not have been active in politics—at least in Democratic politics—Ruth always had a smile on her face and was ready to give you a pat on your back. She always knew what was going on, probably far more than many of us did.

I think the key to Ruth's success, not only as a fellow public school teacher but as a human being, is the fact that she truly epitomizes community and public service, and in that manner, I consider her one of my heroines. Thank you, Mr. Speaker.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I, too, rise in support of ACR 55. Having had an opportunity to look over the information on Ruth Stringer's life, it is amazing to me how involved she was, not only as an educator but also as a community activist.

It has been said that children learn more from what teachers do and say inside the four walls of the classroom, but some things they may learn from outside the classroom. Ruth is a living example of what can happen when you become involved in the community. The education field owes its thanks to Mrs. Stringer. The contributions of Ruth Stringer, and especially her involvement as a charter member in Teachers in Politics, has resulted in increased teacher involvement in our political system, and that will go a long way toward helping the children of our state. I urge my colleagues to adopt this resolution.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I'm very honored also to rise in support of ACR 55. For a number of years, I have observed Ruth working on her many endeavors, not only as a teacher but as a wonderful person involved in her community. Since I go to a lot of meetings, we sometimes end up at the same ones. We're always encouraging our citizens to get more involved and to

do all that they can for their communities. Ruth epitomizes that spirit and she certainly deserves recognition for it. I'm very proud to be supporting ACR 55 this morning.

ASSEMBLYWOMAN CHOWNING:

I stand in support of Assembly Concurrent Resolution 55 honoring a wonderful, wonderful lady. This resolution says that she was an educator and she did volunteer work, et cetera, et cetera. Well, that's just not true, because she's still an educator and she still volunteers her time. It's a privilege to know this marvelous, marvelous person, and I just hope I can be half of the role model that she is.

Thank you for all of your contributions to Nevadans, Ruth.

ASSEMBLYWOMAN SEGERBLOM:

Thank you, Mr. Speaker. I must rise in support of ACR 55. I wish all of us teachers had been as good as Ruth was. I didn't know her when she was a teacher, but she is politically active, and we all depend on her. Thank you, Ruth, for helping us.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. I, too, rise in support of ACR 55. In 1977, I started teaching at the Clark County School District. I believe Ruth retired just before I started—I don't know if she had heard I was coming and didn't want to be around any longer.

One of the things that I appreciate is all of the work Ruth did as an educator before I arrived that made things at the Clark County School District run much smoother. I particularly appreciate her continued involvement in community activities and especially political activities.

ASSEMBLYWOMAN OHRENSCHALL:

Sitting with me today is the recipient of ACR 55, Ruth Albright Stringer; her grandson, Kevin Manley; my son, James Ohrenschall; and my daughter, Katie; all of whom have had the benefit of Ruth's teaching and patience and who continue to have it on a daily basis, as do many other people in the state. Please join me in making Ruth feel welcome as I present her with the resolution.

Resolution adopted.

Assemblywoman Ohrenschall moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:05 a.m.

ASSEMBLY IN SESSION

At 11:08 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 45.

Resolution read.

Assemblyman Hickey moved the adoption of the resolution.

Remarks by Assemblyman Hickey.

Resolution adopted.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Elections, Procedures, and Ethics.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 633, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 150.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 425.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 425.

Bill read second time.

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

Amendment No. 819.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 2, by deleting lines 9 through 11 and inserting: "absence from the state or county, as provided by law. *In a county whose population is less than 10,000, after an incumbent, other than a state officer, has been prevented by sickness from discharging the duties of his office for at least 6 months, the district attorney, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. If the incumbent holds the office of district attorney, the attorney general, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. The district court shall*

hold a hearing to determine whether to declare the office vacant and, in making its determination, shall consider evidence relating to:

(1) The medical condition of the incumbent;

(2) The extent to which illness, disease or physical weakness has rendered the incumbent unable to manage independently and perform the duties of his office; and

(3) The extent to which the absence of the incumbent has had a detrimental effect on the applicable governmental entity.".

Amend the bill as a whole by adding a new section designated sec. 2, following sec. 2, to read as follows:

"Sec. 2. Section 2 of Assembly Bill No. 68 is hereby amended to read as follows:

Sec. 2. NRS 283.040 is hereby amended to read as follows:

283.040 1. Every office becomes vacant upon the occurring of any of the following events before the expiration of the term:

(a) The death or resignation of the incumbent.

(b) The removal of the incumbent from office.

(c) The confirmed insanity of the incumbent, found by a court of competent jurisdiction.

(d) A conviction of the incumbent of any felony or offense involving a violation of his official oath or bond or a violation of NRS 241.040 or 293.1755.

(e) A refusal or neglect of the person elected or appointed to take the oath of office, as prescribed in NRS 282.010 , or, when a bond is required by law, his refusal or neglect to give such a bond within the time prescribed by law.

(f) [The] *Except as otherwise provided in NRS 266.400, the* ceasing of the incumbent to be a resident of the state, district, county, city, ward or other unit prescribed by law in which the duties of his office are to be exercised, or from which he was elected or appointed, or in which he was required to reside to be a candidate for office [.] *or appointed to office.*

(g) The neglect or refusal of the incumbent to discharge the duties of his office for a period of 30 days, except when prevented by sickness or absence from the state or county, as provided by law. In a county whose population is less than 10,000, after an incumbent, other than a state officer, has been prevented by sickness from discharging the duties of his office for at least 6 months, the district attorney, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. If the incumbent holds the office of district attorney, the attorney general, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. The district court shall hold a hearing to determine

whether to declare the office vacant and, in making its determination, shall consider evidence relating to:

(1) The medical condition of the incumbent;

(2) The extent to which illness, disease or physical weakness has rendered the incumbent unable to manage independently and perform the duties of his office; and

(3) The extent to which the absence of the incumbent has had a detrimental effect on the applicable governmental entity.

(h) The decision of a competent tribunal declaring the election or appointment void or the office vacant.

2. Upon the happening of any of the events enumerated in subsection 1, should the incumbent fail or refuse to relinquish his office, the attorney general shall, if the office affected is a state office or concerns more than one county, or the district attorney shall, if the office affected is a county office or concerns territory within one county, commence and prosecute, in a court of competent jurisdiction, any proceedings for judgment and decree declaring such office vacant.".

Amend the title of the bill to read as follows: "An Act relating to public officers; providing a procedure in certain counties whereby a district court may declare an office vacant if a local officer is prevented by sickness from discharging his duties for a certain period; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provision governing vacancies in certain public offices in certain counties. (BDR 23-556)".

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 466.

Bill read second time.

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

Amendment No. 892.

Amend section 1, page 1, line 4, by deleting "insurer;" and inserting: "insurer [;] *or employer;*".

Amend section 1, page 1, by deleting lines 8 through 14 and inserting: "the regulations of the division.".

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

"Sec. 2. NRS 616C.230 is hereby amended to read as follows:

616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, of NRS for an injury:

(a) Caused by the employee's willful intention to injure himself.

(b) Caused by the employee's willful intention to injure another.

(c) Proximately caused by the employee's intoxication. If the employee was intoxicated at the time of his injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

(d) Proximately caused by the employee's use of a controlled substance. If the employee had any amount of a controlled substance in his system at the time of his injury for which the employee did not have a current and lawful prescription issued in his name, the controlled substance must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

2. For the purposes of paragraphs (c) and (d) [, the] *of subsection 1:*

(a) The affidavit of an expert or other person described in NRS 50.315 is admissible to prove the existence of any alcohol or the existence, quantity or identity of a controlled substance in an employee's system. If the affidavit is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.

(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled substance:

(1) If the laboratory that conducts the testing is located in a county whose population is 100,000 or more and the testing is of urine, the laboratory must be certified for forensic testing of urine for drugs by the College of American Pathologists or a successor organization or by the federal Department of Health and Human Services; and

(2) Any such testing of breath for alcohol must be performed pursuant to the regulations of the federal Department of Transportation.

[2.] *3.* No compensation is payable for the death, disability or treatment of an employee if his death is caused by, or insofar as his disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

[3.] *4.* If any employee persists in an unsanitary or injurious practice that imperils or retards his recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his recovery, his compensation may be reduced or suspended.

[4.] *5.* An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of his employment; and

(b) It is within the ability of the employee to correct the nonindustrial condition or injury.

The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.

Sec. 3. This act becomes effective on January 1, 1999.".

Amend the title of the bill by deleting the first line and inserting: "An Act relating to industrial insurance; authorizing employers to request medical examinations of injured workers; requiring in certain counties that a test of an injured worker for the use".

Amend the summary of the bill, first line, by deleting "Requires" and inserting: "Authorizes employers to request medical examinations of injured workers and requires".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 856.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend the bill as a whole by deleting sections 5 and 6 and renumbering sections 7 through 20 as sections 4 through 17.

Amend sec. 7, page 4, line 32, after "*day*" by inserting: "*or portion of a day during which*".

Amend sec. 15, page 10, line 32, by deleting the brackets.

Amend sec. 15, page 10, line 33, by deleting "*After*".

Amend sec. 20, page 13, line 32, by deleting: "1, 2 and 4 to 19," and inserting: "1 and 3 to 16,".

Amend sec. 20, page 13, line 34, by deleting "3" and inserting "2".

Amend the title of the bill to read as follows: "An Act relating to the state legislature; increasing the compensation of legislators; and providing other matters properly relating thereto.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 558.

Bill read second time and ordered to third reading.

Assembly Bill No. 570.

Bill read second time.

The following amendment was proposed by the Committee on Infrastructure:

Amendment No. 744.

Amend the bill as a whole by deleting sections 1 through 101 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Landscaping" means trees, shrubs, grass and other ornamentation, whether natural or artificial, and includes drainage necessary for the maintenance thereof.*

Sec. 4. *"Public lighting" means works or improvements useful in lighting a street, sidewalk or other place used for a public purpose.*

Sec. 5. *"Security wall" has the meaning ascribed to it in NRS 271.203.*

Sec. 6. *1. A person who proposes to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to 278.460, inclusive, or chapter 278A of NRS, may, in lieu of providing for the creation of an association for a common-interest community, request the governing body of the jurisdiction in which the land is located to assume the maintenance of one or more of the following improvements located on the land:*

(a) Landscaping;

(b) Public lighting; and

(c) Security walls.

2. A request made pursuant to subsection 1 must be made in the form of a petition signed by a majority of the owners whose property will be assessed pursuant to subsection 4 and must set forth descriptions of all tracts of land that would be subject to such an assessment.

3. Upon receipt of the petition, the governing body shall determine the desirability of assuming the maintenance of the proposed improvements. If the governing body determines that it would be desirable to assume the maintenance of the improvements, the governing body shall by ordinance:

(a) Create a maintenance district or unit of assessment consisting of the tracts of land set forth in the petition.

(b) Establish the method for determining the amount of an assessment for the cost of the maintenance assumed by the governing body and the time and manner of payment of the assessment.

(c) Provide that the assessment constitutes a lien upon the tracts of land or residential units thereon. The lien must be executed, and has the same priority, as a lien for property taxes.

(d) Prescribe the levels of maintenance to be provided.

(e) Determine the amount by which the public interest will benefit from the provision of the maintenance and allocate to the cost of providing the maintenance the appropriate amount of public money to pay for that part of the maintenance which creates the public benefit.

(f) Address any other matters that the governing body determines to be relevant to the maintenance of the improvements.

4. The provisions of this section apply retroactively to a development with respect to which:

(a) An agreement or agreements between the owners of tracts of land within the development and the developer allow for the provision of services in the manner set forth in this section; or

(b) All of the owners of affected tracts of land agree in writing to be bound by the provisions of this section.

Sec. 7. *1. If a person who proposes to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to 278.460, inclusive, or chapter 278A of NRS, decides to provide for the maintenance of landscaping, public lighting or security walls, or any combination thereof, through an association for a common-interest community, the governing body of the jurisdiction in which the land is located may, as a condition of the approval of any final map related to the proposal for the transfer or development of the land, require the association to adopt a plan for the maintenance of the improvements located on the land. The plan must include the proposed level of maintenance to be provided.*

2. If the association fails to maintain the improvements in the manner set forth in the plan, the governing body may serve written notice upon the association, setting forth the manner in which the association has failed to maintain the improvements. The notice must:

(a) Include a demand that the deficiencies of maintenance be cured within 30 days after receipt of the notice; and

(b) State the date, time and place of a hearing to be held regarding the deficiencies of maintenance. The hearing must be held within 14 days after the receipt of the notice.

3. At a hearing conducted pursuant to this section, the governing body may:

(a) Modify the terms of the original notice served pursuant to subsection 2; and

(b) Provide an extension of time within which the deficiencies of maintenance may be cured.

4. If the deficiencies in maintenance are not cured within 30 days after the receipt of the notice or any extension of time provided pursuant to subsection 3, the governing body or its authorized agent may:

(a) Enter the land on which the improvements are located and maintain the improvements for a period of not more than 1 year; and

(b) Assess the affected tracts of land to recover the cost of the maintenance.

5. Entry and maintenance authorized pursuant to subsection 4 does not authorize a member of the public to use the improvements unless the land on which the improvements are located has been dedicated to and accepted by the governing body.

6. Before the expiration of the period of maintenance required pursuant to subsection 4, the local government, on its own motion or upon request of the association, shall hold a public hearing at which the owners of the affected tracts of land and the association may show cause why the governing body or its authorized agent need not continue to maintain the improvements that are located on the affected tracts of land.

7. After a hearing conducted pursuant to subsection 6, the governing body shall determine whether the association is ready and able to maintain the improvements that are located on the affected tracts of land in the manner required by the plan. If the governing body determines that the association is ready and able to maintain the improvements, the governing body shall cease its maintenance of the affected tracts of land at the end of the period. If the governing body determines that the association is not ready and able to maintain the improvements, the governing body may continue the maintenance of the improvements located on the affected tracts of land during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

8. Any decision made by the governing body pursuant to this section constitutes a final decision for the purpose of judicial review.

Sec. 8. This act becomes effective upon passage and approval.".

Amend the title of the bill, first line, by deleting "assessment districts" and inserting: "maintenance districts or units of assessment".

Amend the summary of the bill to read as follows: "Summary—Authorizes creation of maintenance districts or units of assessment for maintenance of landscaping, public lighting and security walls. (BDR 22-680)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 601.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 837.

Amend section 1, page 1, line 2, by deleting "[21] *18*" and inserting "18".

Amend section 1, page 1, by deleting lines 11 through 16 and inserting:

"(b) The holder of an undivided interest in land is an elector and, if his interest is community property, his spouse is an elector [whether or not] *if* the spouse appears of record as the owner of an interest in the acreage. If two or more persons hold undivided or community interests [,] *in land,* one such person may vote upon presenting the written consent of his fellow holders.".

Amend section 1, page 2, by deleting lines 29 through 38 and inserting:

"7. Corporations , [or] partnerships *or limited-liability companies* holding land in the district shall be deemed persons entitled to exercise all the rights of natural persons, and the president of such a corporation, the general partner of such a partnership, *the manager of such a limited-liability company,* or any other person authorized in writing by the president [or vice president] of the corporation , [or] the general partner of the partnership [,] *or the members of the limited-liability company,* may sign any petition authorized by this chapter, and register and cast the vote of the corporation , [or] partnership *or limited-liability company* at any election. If a partnership has more than one general partner, the general partners must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter. *If a limited-liability company:*

(a) Has more than one manager, the managers must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter.

(b) Does not have a manager, the members must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter.".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 539.135 is hereby amended to read as follows:

539.135 The registrars shall require registrants to take the following oath in substance: I am, or have declared my intention to become, a citizen of the United States, am over the age of [21] *18* years, and am, or properly represent, under the law in pursuance of which this election is to be held, the bona fide holder of title or evidence of title, as defined in the law, to ..... acres of land within the boundaries of the ..... (name of district) and such holding is for all purposes and not simply for this election or matters connected therewith.

Sec. 3. NRS 539.137 is hereby amended to read as follows:

539.137 The registrar shall require registrants on behalf of an entity that is not a natural person to take the following oath, in substance: I am over the age of [21] *18* years, and the (position held) of (name of entity), or have been duly authorized in writing to register on behalf of (name of entity); that the entity is organized under or has qualified under the laws of Nevada to transact business therein and is the holder of title or evidence of title to ..... acres of land within the boundaries of the ..... (name of district).".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 2, to read as follows:

"Sec. 5. NRS 539.553 is hereby amended to read as follows:

539.553 In any election to approve any bond issue, contract or other proposal which would subject the lands in any district to the repayment of an obligation to be incurred for capital purposes, the following procedure must be followed:

1. The secretary of the district shall prepare from the book of assessments a list of all electors qualified by an ownership of land which meets the conditions prescribed in paragraphs (a), (b) and (c) of subsection 1 of NRS 539.123, showing the number of acres listed to each such elector, or the percentage interest in acreage held by each elector who holds an undivided interest in land.

2. At the time and place appointed for the election, the list must be open for inspection. If both spouses vote with respect to acreage in which their interest is community property, the number of votes attributed to that acreage must be divided equally between them. If one holder of an undivided interest votes with the consent of his fellow holders, the entire acreage must be attributed to him.

3. An elector is entitled to vote on the proposal according to the land which he owns outright, as follows:

(a) Ten acres or less, one vote;

(b) For each additional 10 acres or a part thereof, up to and including 200 acres, one additional vote; and

(c) For each additional 100 acres or a part thereof above 200 acres, one additional vote.

The district shall issue a separate ballot for each vote which an elector is entitled to cast.

4. If two or more persons hold undivided or community interests in land, each is entitled to cast a percentage of the respective votes otherwise allowed pursuant to subsection 3 that is equal to his percentage interest in that land, except that, if pursuant to this subsection those persons are entitled to a fractional interest in a vote, that vote may only be cast by one of those persons upon presenting the written consent of his fellow holders.

5. A guardian, executor, administrator or trustee shall be deemed the holder of title or evidence of title to the land in the state for which he is the

guardian, executor, administrator or trustee, and has the right to vote pursuant to this section. If there is more than one guardian, executor, administrator or trustee, they must designate one of their number to vote pursuant to this section.

6. Corporations , [or] partnerships *or limited-liability companies* holding land in the district shall be deemed persons entitled to exercise all the rights of natural persons, and the president of such a corporation, the general partner of such a partnership, *the manager of such a limited-liability company,* or any other person authorized in writing by the president [or vice president] of the corporation , [or] the general partner of the partnership [,] *or the members of the limited-liability company,* may cast the vote of the corporation , [or] partnership *or limited-liability company* pursuant to this section. If a partnership has more than one general partner, the general partners must designate one of their number to cast the vote of the partnership pursuant to this section. *If a limited-liability company:*

(a) Has more than one manager, the managers must designate one of their number to cast the vote of the limited-liability company pursuant to this section.

(b) Does not have a manager, the members must designate one of their number to cast the vote of the limited-liability company pursuant to this section.

7. Designations or written consents for the purposes of voting as authorized pursuant to this section must be filed with the district not later than 14 days before the election.

8. At the end of the time appointed for voting, the secretary of the district shall determine the total number of votes cast approving the proposal and shall declare it passed if the proposal is approved by a majority of the votes cast.

9. If the proposal is not so approved, it is rejected and the result must be entered of record.

10. No informalities in conducting the election invalidate the result if the election is fairly conducted and the result can be clearly ascertained.

11. For the purposes of this section, eligibility to vote and the number of acres listed to each elector must be determined from the current book of assessments. The board may by regulation permit holders of real property in the district to establish eligibility to vote by providing proof of acquisition of an interest in real property in the district since the last assessment roll was closed.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 631.
Bill read second time and ordered to third reading.

Assembly Bill No. 637.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 19.
Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 20.
Resolution read second time.
The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:
Amendment No. 895.
Amend the preamble of the resolution by deleting lines 17 through 20 and inserting: "existing water right; and ".
Assemblywoman de Braga moved the adoption of the amendment.
Remarks by Assemblywoman de Braga.
Amendment adopted.
Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 53.
Bill read second time and ordered to third reading.

Senate Bill No. 404.
Bill read second time and ordered to third reading.

Senate Bill No. 412.
Bill read second time and ordered to third reading.

Senate Bill No. 423.
Bill read second time and ordered to third reading.

Senate Bill No. 465.
Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 182, 204, 378, 418, 450.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 182.

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

Motion carried.

Senate Bill No. 204.

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

Motion carried.

Senate Bill No. 378.

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

Motion carried.

Senate Bill No. 418.

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

Motion carried.

Senate Bill No. 450.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Senate Bill No. 398 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 6.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 878.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. 1. There is hereby appropriated from the state general fund to the department of education the sum of $100,000 for the fiscal year 1998-1999 for the:

(a) Preparation of instructional materials to be used in authorized programs of instruction for kindergarten offered at home pursuant to section 1 of this act; and

(b) Review, selection and evaluation of developmental screening tests required to be administered to children pursuant to subsection 7 of section 2 of this act to determine whether the children are prepared developmentally to be admitted to the first grade.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 4, page 4, by deleting line 4 and inserting:

"Sec. 5. 1. This section and sections 3 and 4 of this act becomes effective on July 1, 1998.

2. Sections 1 and 2 of this act become effective on July 1, 1999.".

Amend the title of the bill, fourth line, after "exceptions;" by inserting: "making an appropriation; ".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 151.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 915.

Amend section 1, page 1, line 11, by deleting "*2.*" and inserting: "*The central repository shall not charge such a fee for information relating to a person regarding whom the central repository furnished a similar report*

within the immediately preceding 6 months in conjunction with the application by that person for professional licensure.

2.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 356.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 356:

YEAS — 42.

NAYS — None.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 451:

YEAS — 36.

NAYS — Cegavske, Ernaut, Gustavson, Hettrick, Hickey, Perkins — 6.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblymen Close and Lambert.

Roll call on Assembly Bill No. 483:

YEAS — 31.

NAYS — Berman, Braunlin, Carpenter, Cegavske, Collins, de Braga, Gustavson, Hickey, Lambert, Sandoval, Tiffany — 11.

Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 581.

Bill read third time.

Remarks by Assemblymen Bache and Ernaut.

Conflict of interest declared by Assemblyman Ernaut.

Roll call on Assembly Bill No. 581:

YEAS — 38.

NAYS — None.

Not voting — Amodei, Ernaut, Lambert, Sandoval — 4.

Assembly Bill No. 581 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 917.

Amend the bill as a whole by deleting sections 1 through 19 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

"Section 1. Chapter 679B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.*

Sec. 4. *"Insured" means a person covered by a policy of health insurance issued in this state by an insurer.*

Sec. 5. *"Insurer" means any insurer or organization authorized pursuant to this Title to conduct business in this state that provides or arranges for the provision of health care services, including, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation, a health maintenance organization, a plan for dental care and a prepaid limited health service organization.*

Sec. 6. *The division shall:*

1. Establish a toll-free telephone service for receiving inquiries and complaints from consumers of health care in this state concerning health care plans;

2. Provide answers to inquiries of consumers of health care concerning health care plans, or refer the consumers to the appropriate agency, department or other entity that is responsible for addressing the specific type of inquiry;

3. Refer consumers of health care to the appropriate agency, department or other entity that is responsible for addressing the specific type of complaint of the consumer;

4. Provide counseling and assistance to consumers of health care concerning health care plans;

5. Educate consumers of health care concerning health care plans in this state; and

6. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the division pursuant to this section.

Sec. 7. *Each insurer shall provide to each insured in a written format that clearly stands out from any surrounding text:*

1. The telephone number of the toll-free telephone service which is established pursuant to section 6 of this act; and

2. The name of the division and its hours of operation, including, but not limited to, the hours of operation of the toll-free telephone service.

Sec. 8. 1. The commissioner of insurance shall establish an advisory committee consisting of:

(a) The commissioner of insurance;

(b) A representative of the state board of health;

(c) One or more insureds as defined in section 4 of this act;

(d) One or more insurers as defined in section 5 of this act;

(e) One or more providers of health care; and

(f) Any other person who would help carry out the duties of the committee.

2. The commissioner of insurance, in consultation with the advisory committee, shall:

(a) Develop, print and distribute an educational pamphlet for consumers of health care concerning health care plans;

(b) Establish criteria for reporting, pursuant to subsection 3, the nature of the complaints that are received by the division pursuant to section 6 of this act; and

(c) Determine the form and content of the report required pursuant to subsection 3.

3. The division of insurance of the department of business and industry shall, on or before January 31, 1999, prepare and submit a report to the 70th session of the Nevada legislature concerning the number and nature of complaints that are received by the division pursuant to section 6 of this act. The form and content of the report must be approved by the commissioner of insurance.

4. As used in this section, "provider of health care" means a physician, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, physical therapist, podiatric physician, licensed

psychologist, licensed marriage and family therapist, chiropractor, doctor of Oriental medicine in any form, medical laboratory director or technician, or pharmacist.

Sec. 9. The division of insurance of the department of business and industry is hereby authorized to expend from the money set aside for insurance education and research pursuant to NRS 679B.305 the following sums for the establishment and operation of the toll-free telephone service required pursuant to section 6 of this act and for the development, printing and distribution of the educational pamphlet required pursuant to section 8 of this act:

For the fiscal year 1997-1998 ..... $55,000

For the fiscal year 1998-1999 ..... $55,000

Sec. 10. This act becomes effective on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to health care; requiring the division of insurance of the department of business and industry to disseminate certain information regarding health care plans to insureds and consumers of health care; requiring the commissioner of insurance to establish an advisory committee to assist him in certain duties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Requires dissemination of certain information regarding health care plans. (BDR 57-997)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman, Close and Krenzer.

Conflicts of interest declared by Assemblymen Close and Krenzer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 519.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 519:

YEAS — 42.

NAYS — None.

Assembly Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 543.

Bill read third time.

Remarks by Assemblymen Williams and Bache.

Potential conflicts of interest declared by Assemblymen Bache, Anderson and Giunchigliani.

Roll call on Assembly Bill No. 543:

YEAS — 30.

NAYS — Amodei, Berman, Cegavske, Close, Gustavson, Hettrick, Hickey, Lambert, Marvel, Sandoval, Tiffany, Von Tobel — 12.

Assembly Bill No. 543 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

Remarks by Assemblymen Ernaut and Anderson.

Assemblyman Ernaut moved that Assembly Bill No. 549 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 574.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 574:

YEAS — 42.

NAYS — None.

Assembly Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 583.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Assembly Bill No. 583:

YEAS — 42.

NAYS — None.

Assembly Bill No. 583 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 594.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Assembly Bill No. 594:

YEAS — 42.

NAYS — None.

Assembly Bill No. 594 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 607.
Bill read third time.
Remarks by Assemblymen Evans and Chowning.
Roll call on Assembly Bill No. 607:
YEAS — 42.
NAYS — None.
Assembly Bill No. 607 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 615.
Bill read third time.
Remarks by Assemblymen Carpenter and Freeman.
Roll call on Assembly Bill No. 615:
YEAS — 42.
NAYS — None.
Assembly Bill No. 615 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 619.
Bill read third time.
Remarks by Assemblymen Arberry and Humke.
Roll call on Assembly Bill No. 619:
YEAS — 41.
NAYS — None.
Not voting — Hickey.
Assembly Bill No. 619 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 626.
Bill read third time.
Roll call on Assembly Bill No. 626:
Remarks by Assemblymen Amodei and Freeman.
YEAS — 42.
NAYS — None.
Assembly Bill No. 626 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 628.
Bill read third time.
Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 628:

YEAS — 42.

NAYS — None.

Assembly Bill No. 628 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 295.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 295:

YEAS — 42.

NAYS — None.

Senate Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 448:

YEAS — 42.

NAYS — None.

Senate Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 33.

Bill read third time.

Remarks by Assemblyman Arberry.

Assemblyman Arberry moved that Senate Bill No. 33 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 145.

Bill read third time.

Remarks by Assemblymen Nolan and Anderson.

Assemblyman Anderson moved that Senate Bill No. 145 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 242.

Bill read third time.

Remarks by Assemblymen Buckley and Freeman.

Assemblywoman Freeman moved that Senate Bill No. 242 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 602, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 36.

The following Senate amendment was read:

Amendment No. 718.

Amend sec. 5, page 2, line 41, after "effect]" by inserting "*issued,*".

Amend sec. 5, page 3, by deleting line 1 and inserting: "(a) The name [and] *or* identification number of each insured named in the".

Amend sec. 6, page 3, line 23, after "*been*" by inserting "*issued,*".

Amend sec. 6, page 5, line 28, after "*of*" by inserting: "*verification of insurance by the department pursuant to*".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 36.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 440.

The following Senate amendment was read:

Amendment No. 768.

Amend the bill as whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 632.285 is hereby amended to read as follows:

632.285 1. Any person, except a nursing assistant trainee, who for compensation practices or offers to practice as a nursing assistant in this state [is required to] *shall* submit evidence that he is qualified so to practice and must be certified as provided in this chapter.

2. It is unlawful for any person:

(a) To practice or to offer to practice as a nursing assistant in this state or to use any title, abbreviation, sign, card or device to indicate that he is practicing as a nursing assistant in this state unless he has been certified pursuant to the provisions of this chapter.

(b) Except as otherwise provided in NRS 629.091, who does not hold a certificate authorizing him to practice as a nursing assistant issued pursuant to the provisions of this chapter to perform or offer to perform basic nursing services in this state, unless the person is a nursing assistant trainee.

(c) To be employed as a nursing assistant trainee for more than 4 months.

3. The executive director of the board may, on behalf of the board, issue an order to cease and desist to any person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

4. The executive director of the board shall forward to the appropriate law enforcement agency any information submitted to the board concerning a person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

Sec. 3. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this state, any person who for compensation practices or offers to practice nursing in this state [must] *shall* submit evidence that he is qualified to practice and must be licensed as provided in this chapter.

2. Any person who:

(a) Practices or offers to practice nursing in this state or uses any title, abbreviation, sign, card or device to indicate that he is practicing nursing in this state unless that person has been licensed pursuant to the provisions of this chapter; or

(b) Does not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter who practices or offers to practice in this state as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that he possesses qualifications and skill in the field of nursing,

is guilty of a misdemeanor.

3. The executive director *of the board* may, on behalf of the board, issue an order to cease and desist to any person who [is practicing] *practices or offers to practice* nursing without a license issued pursuant to the provisions of this chapter.

4. The executive director *of the board* shall forward to the appropriate law enforcement agency any information submitted to the board concerning a person who [is practicing] *practices or offers to practice* nursing without a license issued pursuant to the provisions of this chapter.".

Amend the bill as a whole by adding new sections designated sections 5 and 6, following sec. 2, to read as follows:

"Sec. 5. NRS 632.490 is hereby amended to read as follows:

632.490 1. The board shall cause the prosecution of all persons violating the provisions of this chapter.

2. The board, or any person designated by the board, may prefer a complaint for a violation of NRS *632.285 or* 632.315 before any court of competent jurisdiction, and it may take the necessary legal steps through the proper legal officers of this state to enforce the provisions thereof.

Sec. 6. NRS 632.495 is hereby amended to read as follows:

632.495 1. In addition to any other penalty:

(a) The board may issue a citation to a person who violates the provisions of NRS *632.285 or* 632.315. A citation issued pursuant to this paragraph must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 2. A separate citation must be issued for each violation. If appropriate, the citation must contain an order of abatement of the violation.

(b) The board shall assess an administrative fine of:

(1) For the first violation, $500.

(2) For the second violation, $1,000.

(3) For the third or subsequent violation, $1,500.

2. To appeal the finding of a violation of NRS *632.285 or* 632.315, the person must request a hearing by written notice of appeal to the board within 30 days after the date of issuance of the citation.".

Amend the title of the bill to read as follows: "An Act relating to nursing; excluding certain persons from the definition of a "nursing assistant"; revising provisions governing nurses and nursing assistants; revising provisions governing the certification of nursing assistants; providing an administrative fine for the violation of certain provisions concerning nursing assistants; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing nurses and nursing assistants. (BDR 54-1572)".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 440.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 38, 54, 61, 115, 240, 315, 369, 400, 434, 452, 520, 548; Assembly Concurrent Resolutions Nos. 50, 51; Senate Bills Nos. 29, 75, 247, 294, 296.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Stringer, Kevin Manley, James Ohrenschall and Katie Ross.

Assemblyman Perkins moved that the Assembly adjourn until Sunday, June 29, 1997 at 2 p.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-FIRST DAY

CARSON CITY (Sunday), June 29, 1997

Assembly called to order at 2:25 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Pastor Albert Tilstra.

In the weeks and months that this body has been in session, there have been many daily prayers directed to You for help and direction. As we now come nearer to the time that this session will close, let us not be in such great haste that we begin to rely on our own understanding. Help these men and women in this chamber to continue to put their trust in You, with full confidence that You will still direct their minds for the good of this great state. In Your Name we lift these words up to You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Bill No. 630; Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 656, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 650; Senate Bills Nos. 290, 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 646, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 320, 415, 564; Senate Bills Nos. 58, 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 586, 642; Senate Bills Nos. 36, 181, 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 183, 265, 429, 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 584, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 370, 513, 535, 585.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 43, 55.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 344, 348, 366, 522, 556 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 30, 86, 135, 214, 281, 317, 327, 368, 428, 434, 447, 455, 463.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 180, 248.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 167.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Adler and Porter as a first Committee on Conference concerning Senate Bill No. 122.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Adler and Neal as a first Committee on Conference concerning Senate Bill No. 258.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 29, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 473.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 314, 325, 347, 383, 402, 443, 446, 449.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 658—An Act relating to employment agencies and offices; excluding certain persons from the definition of "employment agency" for the purpose of regulating such agencies; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 659—An Act making appropriations to the trust fund for class-size reduction; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 660—An Act relating to making appropriations from the state general fund and the state highway fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 1997, and ending June 30, 1998, and beginning July 1, 1998, and ending

June 30, 1999; providing for the use of the money so appropriated; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 661—An Act relating to the department of information services; changing the name of the department of information services to the department of information technology; reorganizing the divisions of the department; changing the assignment of certain duties; abolishing the office of the coordinator of communications; repealing the provisions governing certain funds; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 662—An Act relating to the commission on substance abuse education, prevention, enforcement and treatment; transferring the commission from the department of employment, training and rehabilitation to the department of motor vehicles and public safety; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 30.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 86.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 135.

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

Motion carried.

Senate Bill No. 214.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 281.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 317.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 327.

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

Motion carried.

Senate Bill No. 368.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 428.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 434.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 447.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 455.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 463.

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

Motion carried.

Senate Bill No. 314.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 325.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 347.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 383.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 402.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 443.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 446.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 449.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 473.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 663—An Act relating to industrial insurance; authorizing an appeals officer in a proceeding relating to industrial insurance to order a party, or the attorney or representative of a party, who causes a continuance or delay in a scheduled hearing to pay costs incurred by the hearings division of the department of administration under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 641, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 6, 30, 151, 425, 466, 491, 570, 601; Assembly Joint Resolution No. 20 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that for the balance of the session, all rules be suspended, reading so far had considered second reading, rules further suspended, and that all Assembly bills and joint resolutions reported out of committee without amendments be considered engrossed, declared emergency measures under the constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Perkins moved that for the balance of the session, all rules be suspended, reading so far had considered second reading, rules further suspended, and that all Senate bills and joint resolutions reported out of committee without amendments be declared emergency measures under the constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Arberry moved that Assembly Bill No. 491 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Freeman moved that Senate Bill No. 242 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 394.

Bill read second time and ordered to third reading.

Assembly Bill No. 547.

Bill read second time.

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

Amendment No. 818.

Amend the bill as a whole by deleting sections 1 through 12 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 339.025 is hereby amended to read as follows:

339.025 1. Before any contract, except one subject to the provisions of chapter 408 of NRS, exceeding $20,000 for any project for the new construction, repair or reconstruction of any public building or other public work or public improvement of any contracting body is awarded to any contractor, he [must] *shall* furnish to the contracting body the following bonds which become binding upon the award of the contract to the contractor:

(a) A performance bond in an amount to be fixed by the contracting body, but not less than 50 percent of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. The bond must be solely for the protection of the contracting body which awarded the contract.

(b) A payment bond in an amount to be fixed by the contracting body, but not less than 50 percent of the contract amount. The bond must be solely for the protection of claimants supplying labor or materials to the contractor to whom the contract was awarded, or to any of his subcontractors, in the prosecution of the work provided for in such contract.

2. *If a general contractor has been awarded a contract, except one subject to the provisions of chapter 408 of NRS, by the state public works board for any project for new construction, repair or reconstruction of any public building or other public work or public improvement, each of his subcontractors who will perform work on the contract that exceeds $50,000 or 1 percent of the proposed project, whichever amount is greater, shall furnish a bond to the board in an amount to be fixed by the board.*

3. Each of the bonds *required pursuant to this section* must be executed by one or more surety companies authorized to do business in the State of Nevada. If the contracting body is the State of Nevada or any officer, employee, board, bureau, commission, department, agency or institution thereof, the bonds must be payable to the State of Nevada. If the contracting body is other than one of those enumerated in this subsection, the bonds must be payable to the other contracting body.

[3.] *4.* Each of the bonds must be filed in the office of the contracting body which awarded the contract for which the bonds were given.

[4.] *5.* Nothing in this section prohibits a contracting body from requiring bonds.

Sec. 2. Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board shall adopt regulations establishing the criteria and procedures for determining the qualification of applicants to be bidders on contracts for public works projects of this state. The board shall use the criteria and procedures to award contracts for public works projects of this state.

2. The criteria adopted by the board pursuant to subsection 1 must include, without limitation, an evaluation of:

(a) The financial ability of the applicant to provide the necessary bond for the contract;

(b) The principal personnel of the applicant;

(c) The performance history of the applicant concerning other recent projects completed by the applicant in this state;

(d) Any breach of contract of the applicant on a prior contract, other than a breach for legitimate cause;

(e) Whether the applicant has ever been disqualified from being awarded a contract pursuant to NRS 338.017 or 338.145; and

(f) The safety program and safety record of the applicant.

3. The regulations adopted pursuant to this section must include, without limitation, a procedure and deadlines for:

(a) Investigating an applicant and determining whether he is qualified to bid on a contract for a public works project of this state based on the criteria established pursuant to this section;

(b) Notifying an applicant of the determination of the board regarding his application; and

(c) A hearing and appeal by an applicant whose application for qualification has been denied by the board.

4. The board shall, not less than 45 days before advertising for bids concerning a public works project, notify by advertisement in a newspaper of general circulation in this state that the contract for the public works project requires a determination that the applicant is qualified to bid on the contract pursuant to this section.

5. An applicant determined to be qualified by the board pursuant to this section must apply each year to renew his qualification in the manner provided in the regulations adopted pursuant to this section.

6. Any information and data pertaining to the net worth of an applicant which are gathered by or provided to the board for a determination of qualification pursuant to this section are confidential and not open to public inspection.

Sec. 3. This act becomes effective upon passage and approval for the purpose of adopting the regulations required pursuant to section 2 of this act and on October 1, 1997, for all other purposes.".

Amend the title of the bill to read as follows: "An Act relating to public works; requiring the state public works board to adopt criteria and procedures to determine the qualifications of applicants to be bidders on contracts for public works projects of this state; requiring certain general contractors to require certain subcontractors to provide a bond; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Requires state public works board to adopt criteria and procedures to determine qualifications of applicants to be bidders on contracts for public works projects of this state. (BDR 28-1487)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 553.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 882.

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

"Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *1. Except as otherwise provided in subsection 2, any person who knowingly assists in the distribution of anonymous material or information which violates the provisions of section 15 of Senate Bill No. 215 of this session is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. A civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the attorney general in a court of competent jurisdiction and deposited with the state treasurer for credit to the state general fund.*

2. Any person who violates a provision of this section within 10 days before an election, including any recall or special election, is subject to a civil penalty of not more than $15,000 for each such violation and payment of court costs and attorney's fees. The civil penalty must be collected in the manner set forth in subsection 1.

3. As used in this section:

(a) "Anonymous material or information" means material or information that does not contain:

(1) The name and mailing or street address of each person who has paid for or who is responsible for paying for the distribution; and

(2) A statement that each such person has paid for or is responsible for paying for the distribution.

(b) "Knowingly assists in the distribution" includes, without limitation, authorizing another person to use the holder's permit for sending mail, assisting a person to send mail in bulk or providing a person with equipment to facilitate the dissemination of a false statement of fact. The term does not

include the printing and dissemination of a newspaper article that reports objectively a story concerning anonymous material or information that may have been distributed in violation of the provisions of section 15 of Senate Bill No. 15 of this session.

Sec. 3. *1. Except as otherwise provided in this section and section 5 of this act, all investigations of the secretary of state conducted pursuant to subsection 2 of NRS 294A.410, as amended by section 8 of this act, must remain confidential until the secretary of state makes a determination pursuant to subsection 2 of NRS 294A.410, as amended by section 8 of this act, regardless of whether that determination results in a finding that a violation of section 15 or 16 of Senate Bill No. 215 of this session has occurred.*

2. The confidentiality required pursuant to subsection 1 also applies to all information and materials, written or oral, received or developed by the secretary of state or his staff in the course of his work and relating to the alleged violation of section 15 or 16 of Senate Bill No. 215 of this session.

3. If the secretary of state determines that a violation has not occurred, he may, at the request of the person alleged to have violated section 15 or 16 of Senate Bill No. 215 of this session, publicly issue an explanatory statement.

4. The secretary of state may issue press releases and other public statements to explain:

(a) The nature of his jurisdiction;

(b) The procedure for notifying the secretary of state of an alleged violation of section 15 or 16 of Senate Bill No. 215 of this session; and

(c) Limitations upon his power or authority.

Such releases and statements must not, without the consent of any person alleged to have violated section 15 or 16 of Senate Bill No. 215 of this session, disclose, by name, address or other information, the identity of that person until the secretary of state has made a determination pursuant to subsection 2 of NRS 294A.410, as amended by section 8 of this act, regardless of whether that determination results in a finding that a violation of section 15 or 16 of Senate Bill No. 215 of this session has occurred.

5. In any investigation in which the subject matter becomes public through independent sources, or upon a determination by the secretary of state that a violation of section 15 or 16 of Senate Bill No. 215 of this session has occurred, the secretary of state may issue such statements as he deems appropriate under the circumstances to:

(a) Confirm the pendency of an investigation;

(b) State that the person alleged to have violated section 15 or 16 of Senate Bill No. 215 of this session denies the allegations; or

(c) Explain his reasons for determining that a violation of section 15 or 16 of Senate Bill No. 215 of this session has not occurred.

Sec. 4. *Except as otherwise provided in section 5 of this act, any person who breaches the confidentiality required pursuant to subsection 1 of section 3 of this act is subject to punishment for contempt.*

Sec. 5. *Notwithstanding the provisions of sections 3 and 4 of this act, a person who has alleged that another person has violated section 15 or 16 of Senate Bill No. 215 of this session may:*

1. At any time, reveal to a third party the conduct of the person alleged to have violated section 15 or 16 of Senate Bill No. 215 of this session that is the basis for the allegation.

2. After the secretary of state makes a determination pursuant to subsection 2 of NRS 294A.410, as amended by section 8 of this act, regardless of whether the determination results in the finding that a violation of section 15 or 16 of Senate Bill No. 215 of this session has occurred, reveal to a third party the fact that he notified the secretary of state of an alleged violation of section 15 or 16 of Senate Bill No. 215 of this session.".

Amend section 1, page 1, line 4, after "*impede*" by inserting "*or further*".

Amend section 1, page 2, line 1, after "*2.*" by inserting: "*The provisions of subsection 1 apply to a candidate who, with actual malice and the intent to further the success of his campaign, causes to be published false statements of fact concerning himself.*

3.".

Amend section 1, page 2, by deleting line 6 and inserting: "*4. Except as otherwise provided in subsection 5, any person who*".

Amend section 1, page 2, line 13, by deleting "*4.*" and inserting "*5.*".

Amend section 1, page 2, line 17, by deleting "*3.*" and inserting "*4.*".

Amend section 1 page 2, between lines 17 and 18, by inserting:

"*6. The provisions of this section must not be construed to apply to the printing and disseminating of a newspaper article that reports objectively a story concerning a statement that may have been made in violation of this section or section 16 of Senate Bill No. 215 of this session.*".

Amend section 1, page 2, line 18, by deleting "*5.*" and inserting "*7.*".

Amend sec. 2, page 2, by deleting lines 25 through 28.

Amend sec. 2, page 2, line 29, by deleting "*2.*" and inserting: "Sec. 16. *1.*".

Amend sec. 2, page 2, by deleting lines 38 through 42.

Amend sec. 2, page 2, line 43, by deleting "*4.*" and inserting "*2.*".

Amend sec. 2, page 3, by deleting line 10 and inserting: "*3. Except as otherwise provided in subsection 4, any person who*".

Amend sec. 2, page 3, line 17, by deleting "*6.*" and inserting "*4.*".

Amend sec. 2, page 3, line 21, by deleting "*5.*" and inserting "*3.*".

Amend the title of the bill, fourth line, after "ballot;" by inserting: "prohibiting a person from knowingly assisting in the distribution of anonymous campaign material;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes to provisions governing prohibited campaign practices. (BDR 24-1773)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 602.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 971.

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

"Sec. 3. 1. There is hereby appropriated from the state general fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of $21,800 to be in addition to any money carried forward to fiscal year 1997-1998 pursuant to subsection 1 of section 2.5 of chapter 372, Statutes of Nevada 1995, as added by section 5 of this act to replace the overhead door on the airplane hangar at the Minden airport that is used by the Division of Forestry.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 4. Section 2 of chapter 372, Statutes of Nevada 1995, at page 915, is hereby amended to read as follows:

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, [1997,] *1998,* and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 5. Chapter 372 of Statutes of Nevada 1995, at page 914, is hereby amended by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

Sec. 2.5. 1. Any balance of the sums appropriated by subsections 1 to 4, inclusive, 6 and 7 of section 1 of this act remaining on June 30, 1997, must be carried forward to fiscal year 1997-1998 to replace the overhead door on the airplane hangar at the Minden airport that is used by the Division of Forestry of the State Department of Conservation and Natural Resources.

2. Any balance of the sum appropriated by subsection 5 of section 1 of this act remaining on June 30, 1997, must be carried forward to fiscal

year 1997-1998 for training pilots employed by the Division of Wildlife of the State Department of Conservation and Natural Resources in fire-suppression techniques.".

Amend the title of the bill to read as follows: "An Act relating to state financial administration; extending the prospective date for the reversion of the appropriation made during the previous session to the Division of Forestry of the State Department of Conservation and Natural Resources and specifying its use; making appropriations for new and replacement equipment and for the replacement of a certain hangar door at the Minden airport; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Extends prospective date for reversion of appropriation made during previous session to Division of Forestry of State Department of Conservation and Natural Resources and makes certain related appropriations. (BDR S-1806)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 611.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 839.

Amend sec. 3, page 2, by deleting lines 7 through 11 and inserting:

"Sec. 14. "Seller" includes every person , *the State of Nevada, its unincorporated agencies and instrumentalities, any county, city, district or other political subdivision of this state* engaged in the business of selling tangible personal property of a kind, the gross receipts from the retail sale of which are required to be included in the measure of the sales tax.

Sec. 2. Section 50 of the above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 771, is hereby amended to read as follows:

Sec. 50. *1.* There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of any tangible personal property to:

[1.] *(a)* The United States, its unincorporated agencies and instrumentalities.

[2.] *(b)* Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

[3.] *(c)* The State of Nevada, its unincorporated agencies and instrumentalities.

[4.] *(d)* Any county, city, district or other political subdivision of this state.

2. Except as otherwise provided in subsection 2, there are exempted from the computation of the amount of the sales tax the gross receipts from the sale of any tangible personal property by:

(a) The State of Nevada, its unincorporated agencies and instrumentalities.

(b) Any county, city, district or other political subdivision of this state.

3. The provisions of subsection 2 do not apply to the sale of items of tangible personal property which are purchased by the governmental entity for resale to the public.".

Amend sec. 3, page 2, line 12, by deleting "2." and inserting "3.".

Amend sec. 4, page 2, line 14, by deleting "3." and inserting "4.".

Amend sec. 4, page 2, line 19, by deleting "sold" and inserting: "purchased by this state or".

Amend sec. 4, page 2, line 20, by deleting the question mark and inserting "for resale to the public by the governmental entity?".

Amend sec. 5, page 2, by deleting line 29 and inserting: "personal property purchased by the state or a local government or local governmental agency for resale to the public.".

Amend sec. 9, page 3, by deleting lines 2 and 3 and inserting:

"374.075 "Seller" includes every person , *the State of Nevada, its unincorporated agencies and instrumentalities, any county, city, district or other political subdivision of this state* engaged in the business of ".

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

"Sec. 10. NRS 374.330 is hereby amended to read as follows:

374.330 *1.* There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of any tangible personal property to:

[1.] *(a)* The United States, its unincorporated agencies and instrumentalities.

[2.] *(b)* Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

[3.] *(c)* The State of Nevada, its unincorporated agencies and instrumentalities.

[4.] *(d)* Any county, city, district or other political subdivision of this state.

2. Except as otherwise provided in subsection 3, there are exempted from the computation of the amount of the sales tax the gross receipts from the sale of any tangible personal property by:

(a) The State of Nevada, its unincorporated agencies and instrumentalities.

(b) Any county, city, district or other political subdivision of this state.

3. The provisions of subsection 2 do not apply to the sale of items of tangible personal property which are purchased by the governmental entity for resale to the public.

Sec. 11. Sections 9 and 10 of this act become effective on January 1, 1999, only if the proposal submitted pursuant to sections 1 to 5, inclusive, of this act is approved by the voters at the general election on November 3, 1998.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "the tax on sales of items purchased by this state and local governments for resale to the public; contingently imposing analogous taxes on such sales; and providing other matters properly relating".

Amend the summary of the bill to read as follows: "Summary—Proposes imposition of sales tax on sales of items purchased by state and local governments for resale to public. (BDR 32-47)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Assemblyman Price moved that Assembly Bill No. 611 be re-referred to the Committee on Taxation.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Taxation.

Assembly Bill No. 613.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 916.

Amend the bill as a whole by renumbering sections 2 through 6 as sections 3 through 7 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 360.100 is hereby amended to read as follows:

360.100 The department shall:

1. [Make] *On or before January 15 of each year, prepare* and publish [an annual report for each fiscal year, showing its] *a report that shows the* transactions and proceedings [for such year.

2. Furnish] *of the department which took place during the immediately preceding fiscal year.*

2. Upon request, furnish to the governor [, from time to time when requested by him,] statements showing the assessed value of [the taxable] property within or taxable by the State of Nevada and its political subdivisions.".

Amend sec. 3, page 2, line 13, after "provisions of " by inserting "NRS 482.313,".

Amend sec. 4, page 2, line 39, after "in NRS" by inserting "482.313 or".

Amend sec. 6, page 4, by deleting lines 3 through 5 and inserting:

"Sec. 7. 1. This section and sections 1, 2 and 3 of this act become effective on July 1, 1997.

2. Sections 4 and 5 of this act become effective at 12:01 a.m. on July 1, 1997.

3. Section 6 of this act becomes effective at 12:01 a.m. on July 1, 1999.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 633.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 852.

Amend sec. 2, page 2, line 4, by deleting "*$1,500,*" and inserting "*$1,000,*".

Amend sec. 2, page 2, line 5, by deleting "*$1,500,*" and inserting "*$1,000,*".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 634.

Bill read second time.

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

Amendment No. 924.

Amend section 1, page 1, line 14, by deleting "Install," and inserting: "[Install,] *Except as otherwise provided in subsection 3, install,*".

Amend section 1, page 2, by deleting lines 5 and 6 and inserting: "*standing unless he notifies the nonprofit organization and requests the organization to remove the historical marker. The owner shall notify any person to whom he sells*".

Amend section 1, page 2, by deleting lines 12 and 13 and inserting: "*the structure of the duty to maintain the historical marker unless the purchaser notifies the nonprofit organization and requests the organization to remove the historical* ".

Amend the title of the bill, second line, by deleting "organization;" and inserting: "organization in certain circumstances;".

Amend the summary of the bill, second line, by deleting "organization." and inserting: "organization in certain circumstances.".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 21.

Resolution read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 944.

Amend the resolution, page 2, between lines 33 and 34, by inserting:

"RESOLVED, That Congress is urged to revise the requirements for the submission of reports by employers to the state directory of new hires in such a manner that employers are not forced to alter substantially their normal business practices to comply with those requirements; and be it further".

Amend the preamble of the resolution, page 2, line 12, after "5." by inserting: "The requirement for states to establish a time, which must not be later than 20 days after an employee is hired, within which the employer is required to submit to the state directory of new hires a report concerning that employee; and

6.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 24.

Bill read second time and ordered to third reading.

Senate Bill No. 133.

Bill read second time and ordered to third reading.

Senate Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 985.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sections 4 through 7 as sections 1 through 4.

Amend the title of the bill to read as follows: "An Act relating to the department of human resources; revising provisions governing the issuance

of certain subpoenas by the department of human resources; prohibiting the department from collecting or maintaining certain information; repealing the requirement that the department disseminate a listing of hospitals and their charges for services; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second line and inserting: "resources and revises provisions governing collection and ".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 897.

Amend sec. 2, page 1, by deleting lines 8 through 11 and inserting:

"*(a) Specific evidence showing that the adult, child or incompetent person has been a victim of domestic violence before the filing of the application;*".

Amend sec. 2, page 2, by deleting lines 14 through 19 and inserting:

"*4. The secretary of state shall approve an application if it is accompanied by specific evidence, such as a copy of an applicable record of conviction, a temporary restraining order or other protective order, that the adult, child or incompetent person has been a victim of domestic violence before the filing of the application.*".

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. 1. There is hereby appropriated from the state general fund to the office of the secretary of state for carrying out the provisions of sections 2 to 6, inclusive, of this act:

For the fiscal year 1997-1998 ..... $22,393

For the fiscal year 1998-1999 ..... $20,939

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill, sixth line, after "address;" by inserting: "making an appropriation;".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 253.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 838.

Amend sec. 3, page 2, line 2, by deleting "*nine*" and inserting "*10*".

Amend sec. 3, page 2, line 10, after "*(c)*" by inserting: "*One member of the committee on local government finance created pursuant to NRS 266.0165 appointed by the Nevada School Trustees Association;*

(d)".

Amend sec. 3, page 2, line 12, by deleting "*(d)*" and inserting "*(e)*".

Amend sec. 3, page 2, line 14, by deleting "*(e)*" and inserting "*(f)*".

Amend sec. 3, page 2, by deleting line 17 and inserting: "*committee. When meeting as the advisory committee, the members shall comply with the provisions of chapter 241 of NRS.*".

Amend sec. 5, page 3, line 21, by deleting "*review the*" and inserting: "*review:*

(a) The".

Amend sec. 5, page 3, line 23, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 5, page 3, line 24, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 5, page 3, line 26, by deleting "*(c)*" and inserting "*(3)*".

Amend sec. 5, page 3, line 27, by deleting "*(d)*" and inserting "*(4)*".

Amend sec. 5, page 3, line 28, by deleting "*(e)*" and inserting "*(5)*".

Amend sec. 5, page 3, line 29, by deleting "*(f)*" and inserting "*(6)*".

Amend sec. 5, page 3, line 31, by deleting "*(g)*" and inserting "*(7)*".

Amend sec. 5, page 3, line 33, by deleting "*(h)*" and inserting:

"*(8) Property taxes imposed pursuant to chapter 361 of NRS;*

(9)".

Amend sec. 5, page 3, line 35, by deleting "*(i)*" and inserting "*(10)*".

Amend sec. 5, page 3, between lines 35 and 36, by inserting:

"*(b) The proper crediting of gasoline tax revenue if the collection is moved to the terminal rack level.*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Assemblywoman Giunchigliani moved that Senate Bill No. 253 be re-referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Elections, Procedures, and Ethics.

Senate Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 753.

Amend section 1, page 1, by deleting lines 6 through 9 and inserting: "banking by:

(1) Discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of indebtedness;

(2) Receiving deposits;

(3) Buying and selling exchange, coin and bullion; and

(4) Loaning money on personal security or real and personal property.

At the time of making loans,".

Amend section 1, page 2, line 8, by deleting: "which may be".

Amend section 1, page 2, by deleting lines 15 through 19 and inserting: "this section, 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures. The commissioner may authorize any bank located in a city whose population is more than 10,000 to invest more than 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures, in its banking offices, furniture and fixtures.".

Amend section 1, page 2, line 26, by deleting: "a longer time" and inserting "longer".

Amend sec. 4, page 3, by deleting lines 36 and 37 and inserting:

"Sec. 4. This act becomes effective upon passage and approval.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 291.

Bill read second time.

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

Amendment No. 925.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective on passage and approval.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 355.
Bill read second time and ordered to third reading.

Senate Bill No. 363.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 926.
Amend section 1, page 2, line 6, by deleting "*bid.*" and inserting: "*bid, except when requested by the public agency for:*

(1) A determination of the price of additional work performed pursuant to a change order;

(2) An evaluation of claims for costs incurred for the performance of additional work;

(3) Preparation for arbitration or litigation; or

(4) Any combination thereof.

A document furnished to a public agency pursuant to this paragraph is confidential and must be returned to the bidder.".
Amend the title of the bill, third line, by deleting "bid;" and inserting: "bid in certain circumstances;".
Assemblyman Bache moved the adoption of the amendment.
Remarks by Assemblyman Bache.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 419.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 16.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 547 be placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 558.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Assembly Bill No. 558:
YEAS — 42.
NAYS — None.

Assembly Bill No. 558 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 631.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 631:

YEAS — 42.

NAYS — None.

Assembly Bill No. 631 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 637.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Assembly Bill No. 637:

YEAS — 42.

NAYS — None.

Assembly Bill No. 637 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 19.

Resolution read third time.

Remarks by Assemblymen Gustavson, Bache, Segerblom, Von Tobel, Price, Hettrick and Humke.

Assemblymen Humke, Hettrick and Giunchigliani moved the previous question.

Motion carried.

The question being on the passage of Assembly Joint Resolution No. 19.

Roll call on Assembly Joint Resolution No. 19:

YEAS — 28.

NAYS — Arberry, Bache, Buckley, Chowning, Evans, Freeman, Giunchigliani, Goldwater, Herrera, Koivisto, Ohrenschall, Parks, Perkins, Segerblom — 14.

Assembly Joint Resolution No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 6:

YEAS — 30.

NAYS — Amodei, Berman, Braunlin, Carpenter, Cegavske, Close, Gustavson, Hettrick, Humke, Marvel, Nolan, Von Tobel — 12.

Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblymen Freeman, Close and Krenzer.

Conflicts of interest declared by Assemblymen Close and Krenzer.

Roll call on Assembly Bill No. 30:

YEAS — 40.

NAYS — None.

Not voting — Close, Krenzer — 2.

Assembly Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 151:

YEAS — 42.

NAYS — None.

Assembly Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblymen de Braga, Bache and Von Tobel.

Roll call on Assembly Bill No. 425:

YEAS — 32.

NAYS — Anderson, Bache, Buckley, Close, Collins, Evans, Giunchigliani, Gustavson, Herrera, Sandoval — 10.

Assembly Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 466:

YEAS — 41.

NAYS — Price.

Assembly Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 570.

Bill read third time.

Remarks by Assemblymen Freeman, Anderson, Lambert and Goldwater.

Roll call on Assembly Bill No. 570:

YEAS — 40.

NAYS — Anderson, Collins — 2.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 601.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Assembly Bill No. 601:

YEAS — 42.

NAYS — None.

Assembly Bill No. 601 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 20.

Resolution read third time.

Remarks by Assemblywoman de Braga.

Roll call on Assembly Joint Resolution No. 20:

YEAS — 42.

NAYS — None.

Assembly Joint Resolution No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 3:44 p.m.

ASSEMBLY IN SESSION

At 5:56 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 622, has had the same under consideration; and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 609, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 659, 660, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 344.

The following Senate amendment was read:

Amendment No. 729.

Amend sec. 6, page 2, by deleting lines 12 through 24 and inserting: "*justice or judge if the commission determines that the justice or judge has violated one or more of the provisions of the Nevada Code of Judicial Conduct in a manner that is not knowing or deliberate.*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 344.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 348.

The following Senate amendment was read:

Amendment No. 829.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 7 as sections 5 through 10 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

An insurer shall not deny a claim, refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the claim involves an act that constitutes domestic violence pursuant to NRS 33.018, or because the person applying for or covered by the health insurance policy was the victim of such an act of domestic violence, regardless of whether the insured or applicant contributed to any loss or injury.

Sec. 2. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

An insurer shall not deny a claim, refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the claim involves an act that constitutes domestic violence pursuant to NRS 33.018, or because the person applying for or covered by the policy of group health insurance was the victim of such an act of domestic violence, regardless of whether the insured or applicant contributed to any loss or injury.

Sec. 3. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

An insurer shall not deny a claim, refuse to issue a health benefit plan or cancel a health benefit plan solely because the claim involves an act that constitutes domestic violence pursuant to NRS 33.018, or because the person applying for or covered by the health benefit plan was the victim of such an act of domestic violence, regardless of whether the insured or applicant contributed to any loss or injury.

Sec. 4. NRS 689C.015 is hereby amended to read as follows:

689C.015 As used in NRS 689C.015 to 689C.350, inclusive, *and section 3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 689C.025 to 689C.095, inclusive, have the meanings ascribed to them in those sections.".

Amend the title of the bill, first line, by deleting "an insurer" and inserting "certain insurers".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 348.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 522.

The following Senate amendment was read:

Amendment No. 881.

Amend sec. 2, page 2, line 16, by deleting: "in advance of " and inserting "before".

Amend sec. 2, page 2, line 18, after the period by inserting: "In addition to the notice provided to a tenant pursuant to this paragraph, if the landlord or his agent or employee knows or reasonably should know that the tenant receives assistance from the fund created pursuant to NRS 188B.215, the landlord or his agent or employee shall provide to the administrator written notice of the increase 90 days before the first payment to be increased.".

Amend sec. 5, page 5, by deleting line 6 and inserting:

"(b) Be the registered owner of the mobile home which is subject to the tenancy, as indicated on the certificate of ownership that is issued by the division pursuant to NRS 489.541;".

Amend sec. 5, page 5, line 34, by deleting "section, "monthly" and inserting: "section:

(a) "Mobile home" includes a travel trailer that is located on a mobile home lot within a mobile home park.

(b) "Monthly".

Amend sec. 5, page 5, between lines 36 and 37 by inserting:

"(c) "Travel trailer" has the meaning ascribed to it in NRS 489.150.".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 522.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 573.

The following Senate amendment was read:

Amendment No. 873.

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

"Sec. 2. Section 2 of Assembly Bill No. 47 of this session is hereby amended to read as follows:

Sec. 2. NRS 502.250 is hereby amended to read as follows:

502.250 1. Except as otherwise provided in [subsection 5,] *this section,* the following fees must be charged for tags:

Resident deer tag for regular season	$15
Nonresident and alien deer tag for regular season	60
Resident antelope tag	50
Resident elk tag	100
Resident bighorn tag	100

Resident mountain goat tag 100
Resident mountain lion tag.....[50]..... *25*

2. Other resident big game tags for special seasons must not exceed $50. Other nonresident big game tags for special seasons must not exceed $1,000.

3. Tags determined to be necessary by the commission for other species pursuant to NRS 502.130 must not exceed $100.

4. A fee not to exceed $10 may be charged for processing an application for a tag other than an elk tag. A fee of not less than $5 but not more than $15 must be charged for processing an application for an elk tag, $5 of which must be deposited with the state treasurer for credit to the wildlife account in the state general fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this state.

5. The commission may accept sealed bids for or auction not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the division for the cost of managing [the] wildlife and administering and conducting the bid or auction, not more than 18 percent of the total amount of money received from the bid or auction may be deposited with the state treasurer for credit to the wildlife account in the state general fund. Any amount of money received from the bid or auction that is not so deposited must be deposited with the state treasurer for credit to the wildlife heritage trust account in the state general fund in accordance with the provisions of NRS 501.3575.

6. The commission may by regulation establish an additional drawing for big game tags, which may be entitled the partnership in wildlife drawing. [The] *To reimburse the division for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the state treasurer for credit to the wildlife account in the state general fund. Except as otherwise provided by regulations adopted by the commission pursuant to subsection 7, the* money received by the division from applicants in the drawing who are not awarded big game tags must be deposited with the state treasurer for credit to the wildlife heritage trust account in accordance with the provisions of NRS 501.3575.

7. The commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.".

Assemblywoman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 573.

Remarks by Assemblywoman de Braga.

Motion carried.

Bill ordered enrolled.

Assembly Joint Resolution No. 8.

The following Senate amendment was read:

Amendment No. 749.

Amend the preamble of the resolution, page 1, by deleting lines 15 through 17 and inserting:

"WHEREAS, During the 105th session of Congress, Senator Richard H. Bryan, for himself and Senator Harry Reid, introduced the Southern Nevada Public Land Management Act of 1997 in the United States Senate and Representative John Ensign introduced the Southern Nevada Public Land Management Act of 1997 in the United States House of Representatives; and

WHEREAS, The Southern Nevada Public Land Management Act of 1997 provides that certain proceeds from the sale of public land in Clark County may be used for the acquisition of environmentally sensitive land in the State of Nevada, with priority given to lands located in Clark County; and

WHEREAS, The Southern Nevada Public Land Management Act of 1997 provides that before initiating efforts to acquire land pursuant to the Act, the Secretary of the Interior or Secretary of Agriculture must consult with the State of Nevada, the local government within whose jurisdiction the land is located and other interested persons concerning the necessity of making the acquisition, the potential impacts on the state and local government and other appropriate aspects of the acquisition; and

WHEREAS, It is the understanding of the Legislature of the State of Nevada that actions will not be taken pursuant to the Southern Nevada Public Land Management Act of 1997 in such a manner as to have an adverse effect on the sparsely populated and rural counties of the State of Nevada; now therefore, be it".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 8.

Remarks by Assemblyman Goldwater.

Motion carried.

Resolution ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 231 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Freeman moved that Senate Bill No. 209 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 167, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Evans, Segerblom and Humke as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 167.

GENERAL FILE AND THIRD READING

Assembly Bill No. 659.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Anderson.

Roll call on Assembly Bill No. 659:

YEAS — 39.

NAYS — Carpenter, Cegavske, Gustavson — 3.

Assembly Bill No. 659 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 660.

Bill read third time.

Remarks by Assemblymen Arberry, Evans, Giunchigliani, Lambert, Freeman and Segerblom.

Roll call on Assembly Bill No. 660:

YEAS — 41.

NAYS — Hickey.

Assembly Bill No. 660 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 145 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Perkins moved that Senate Bills Nos. 53, 404, 412, 423, 465, 242, 231, 209, 150 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 360; Assembly Resolution No. 16; Senate Bills Nos. 49, 74, 131, 330, 346, 382, 401, 405, 406, 431, 440; Senate Concurrent Resolution No. 58.

Assemblyman Perkins moved that the Assembly adjourn until Monday, June 30, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 6:36 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-SECOND DAY

CARSON CITY (Monday), June 30, 1997

Assembly called to order at 10:50 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

Holy God, in whom we live and move and have our being, You have given us minds to know You, hearts to love You and hands to serve You. You foreordained our service to You before the foundation of the world. We ask this very day that You would raise up in us leaders of able mind and large heart and give us grace to follow wise counsel. Enable us to practice judicious legislation and faithful administration that the rights of all may be protected. Through the power of Your Holy Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was re-referred Assembly Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 275, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 618, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 67, 153, 193, 235, 264, 361, 433, 469, 510, 533, 550, 560, 587.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed as amended Assembly Bills Nos. 13, 104, 227, 538, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 12.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 31, 345.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 486.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 208.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 664—An Act relating to corporations; extending the rights of inspection enjoyed by certain stockholders under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 208.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 486.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 990.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 15, following the enacting clause, to read as follows:

"Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The administrator shall include in the state plan for assistance to the medically indigent a requirement that the state shall pay the nonfederal share of expenditures for the medical, administrative and transaction costs of a person:

(a) Who is admitted to a hospital, facility for intermediate care or facility for skilled nursing for not less than 30 consecutive days;

(b) Who is covered by the state plan for assistance to the medically indigent; and

(c) Whose net countable income per month is not more than $775 or 155 percent of the supplemental security income benefit rate established pursuant to 42 U.S.C. § 1382 (b)(1), whichever is greater.

2. As used in this section:

(a) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 2. Section 1 of this act is hereby amended to read as follows:

1. The administrator shall include in the state plan for assistance to the medically indigent a requirement that the state shall pay the nonfederal share of expenditures for the medical, administrative and transaction costs of a person:

(a) Who is admitted to a hospital, facility for intermediate care or facility for skilled nursing for not less than 30 consecutive days;

(b) Who is covered by the state plan for assistance to the medically indigent; and

(c) Whose net countable income per month is not more than $775 or [155] *156* percent of the supplemental security income benefit rate established pursuant to 42 U.S.C. § 1382 (b)(1), whichever is greater.

2. As used in this section:

(a) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 3. Chapter 428 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 12, inclusive, of this act.

Sec. 4. *As used in sections 4 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, have the meanings ascribed to them in those sections.*

Sec. 5. *"Board" means the board of trustees of the fund.*

Sec. 6. *"Fund" means the fund for the institutional care of the medically indigent.*

Sec. 7. *"Interlocal agreement" means an interlocal agreement between the department of human resources and a county to pay the expenses for the institutional care of the medically indigent pursuant to the state plan.*

Sec. 8. *"Payment" means the amount of money that a county is required to pay each quarter pursuant to an interlocal agreement for the nonfederal share of its expenses for the institutional care of the medically indigent pursuant to the state plan.*

Sec. 9. *"State plan" means the state plan for assistance to the medically indigent.*

Sec. 10. *1. The fund for the institutional care of the medically indigent is hereby created in the state treasury.*

2. The money in the fund must only be used to provide assistance to a county which is unable to make a payment required by an interlocal agreement.

3. The fund must be administered by a board of trustees consisting of 5 county commissioners appointed by the governor from a list of 10 nominees submitted by the board of directors of the Nevada Association of Counties.

4. Each member of the board shall serve a term of 1 year or until his successor has been appointed and has qualified.

5. The position of a member of the board shall be deemed vacated upon his loss of any of the qualifications required for his appointment and, in that event, the governor shall appoint a successor from a list of two nominees submitted by the board of directors of the Nevada Association of Counties.

6. Any interest or money earned on money in the fund must be credited to the fund.

7. Any money remaining in the fund at the end of a fiscal year remains in the fund and does not revert to the state general fund.

Sec. 11. *The board may:*

1. Enter into any necessary contracts and agreements.

2. Employ personnel as necessary and prescribe their compensation and working conditions.

3. Enter into agreements with the department of administration to obtain the services of consultants, attorneys, auditors, accountants, actuaries and managers of risk.

4. Rent, lease, purchase or otherwise obtain or receive real or personal property.

5. Adopt regulations necessary to carry out the provisions of sections 4 to 12, inclusive, of this act.

Sec. 12. *1. A county which fails to make a payment required by an interlocal agreement may submit a written request to the board to transfer from the fund, on behalf of the county, an amount equal to the payment due, or any portion thereof, to the Medicaid budget account in the state general fund.*

2. The board shall consider the following factors in determining whether to approve a request submitted pursuant to subsection 1:

(a) Whether the county has any source of money available to make the payment;

(b) Whether the county has the taxing authority to raise the additional money required to make the payment;

(c) Whether the county has expended its money for the care of indigents in an appropriate manner;

(d) Whether the county has budgeted appropriately for the anticipated amount of its payments; and

(e) Any other factors the board determines are appropriate.

3. If the board determines that a county is unable to make a payment that is due, the board shall transfer an amount equal to the amount of the payment due, or any portion thereof, in the manner prescribed in subsection 1.

4. The board shall prepare and submit a report to the department of administration and the interim finance committee not later than June 30 and December 31 of each year. The report must include the name of each county on whose behalf money was transferred from the fund to the Medicaid budget account since the last report, the amount transferred and the remaining balance in the fund.

Sec. 13. 1. There is hereby appropriated from the state general fund to the Medicaid budget account in the state general fund for the institutional care of the medically indigent:

For the fiscal year 1997-1998..... $128,520

For the fiscal year 1998-1999..... $1,008,540

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 14. 1. The state controller shall, as soon as practicable after the effective date of this act, transfer the sum of $300,000 from the intergovernmental transfer account in the state general fund to the fund for the institutional care of the medically indigent created pursuant to section 10 of this act.

2. The money transferred to the fund for the institutional care of the medically indigent pursuant to subsection 1 may be used to provide assistance to a county for a payment required by an interlocal agreement which became due during the fiscal year 1996-1997.

Sec. 15. 1. This section and sections 1 and 3 to 14, inclusive, of this act become effective upon passage and approval or on June 30, 1997, whichever occurs earlier.

2. Section 2 of this act becomes effective on January 1, 1999.".

Amend the title of the bill to read as follows: "An Act relating to public welfare; creating the fund for the institutional care of the medically indigent; revising the state plan for assistance to the medically indigent; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing state plan for assistance to the medically indigent. (BDR 38-296)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 265.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 965.

Amend section 1, page 1, by deleting lines 14 through 16 and inserting: "the North Las Vegas Library District the sum of $350,000 for the advanced planning through design development of a second public library in North Las Vegas.".

Amend sec. 2, page 1, lines 18 and 19, by deleting: "the completion of the project" and inserting: "June 30, 1999,".

Amend the title of the bill, first line, after "for" by inserting: "the advanced planning through design development of ".

Amend the summary of the bill, first line, after "for" by inserting "design of ".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 898.

Amend section 1, page 1, by deleting lines 11 through 15.

Amend section 1, page 1, line 16, by deleting "*5.*" and inserting "*4.*".

Amend section 1, page 1, line 19, after "*medicine.*" by inserting: "*If a complaint concerns a practice which is within the jurisdiction of another licensing board, including, without limitation, spinal manipulation, surgery, nursing or allopathic medicine, the board shall refer the complaint to the other licensing board.*".

Amend sec. 2, page 2, by deleting line 4 and inserting: "origin, including [nosodes] :".

Amend sec. 2, page 2, line 16, by deleting: "homeopathy , [according" and inserting "homeopathy according".

Amend sec. 2, page 2, line 17, by deleting the closed bracket.

Amend sec. 2, page 2, by deleting lines 23 and 24 and inserting: "*therapy, neuromuscular integration, orthomolecular therapy and nutrition.*".

Amend sec. 3, page 2, line 33, after "Licensed" by inserting "*or certified* ".

Amend sec. 3, page 3, by deleting line 3 and inserting "NRS 630A.040.".

Amend the bill as a whole by deleting sec. 4.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblymen Buckley and Tiffany.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 896.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 484.545 is hereby amended to read as follows:

484.545 1. Every vehicle upon a highway of this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, because of insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead [shall] *must* display lighted lamps and illuminating devices as respectively required in this chapter for different classes of vehicles, subject to exceptions with respect to parked vehicles as stated in this chapter.

2. Every vehicle upon a highway [shall] *must* be equipped with stop lights, turn signals and other signaling devices to be lighted in the manner prescribed for the use of such devices.

3. In addition to the requirements set forth in subsections 1 and 2, a motorcycle, trimobile or moped upon a highway of this state must at all times display a lighted headlamp.

4. As used in this section, "trimobile" has the meaning ascribed to it in NRS 482.129.".

Amend section 1, page 1, by deleting lines 2 through 5 and inserting:

"486.231 1. The department shall [adopt] *:*

(a) Adopt standards for [protective] *:*

(1) Protective headgear and protective glasses, goggles or face shields to be worn by the drivers and passengers of motorcycles *;* and [transparent]

(2) Transparent windscreens for motorcycles.

(b) By regulation establish procedures pursuant to which a person who meets the requirements of subsection 6 may apply to the department and receive a sticker or decal that, when affixed to a motorcycle, provides a rebuttable presumption that the driver of the motorcycle qualifies for the exemption set forth in that subsection.".

Amend section 1, page 2, by deleting lines 5 through 13 and inserting:

"*6. Except as otherwise provided in subsection 8, a driver of a motorcycle is not required to wear protective headgear if he:*

(a) Is licensed to drive a motorcycle;

(b) Has held a license to drive a motorcycle for at least 1 year;

(c) Is 25 years of age or older; and

(d) Possesses a valid policy of insurance that provides, for the driver and any passenger riding on the motorcycle, at least $10,000 in medical benefits for injuries sustained as a result of an accident while driving or riding on a motorcycle.

7. Except as otherwise provided in subsection 8, the passenger on a motorcycle is not required to wear protective headgear if:

(a) The passenger on the motorcycle is 25 years of age or older; and

(b) The driver of the motorcycle is not required to wear protective headgear.

8. The exceptions set forth in subsections 6 and 7 do not apply to a driver or passenger on a motorcycle being operated within a city or town whose population is more than 5,000.".

Amend the title of the bill, first line, after "motorcycles;" by inserting: "requiring that certain vehicles be operated with a lighted headlamp;".

Amend the summary of the bill, first line, by deleting "Limits" and inserting: "Requires that certain vehicles be operated with lighted headlamps and limits".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Close, Bache, Freeman, Ernaut, Amodei, Anderson and Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 376.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 825.

Amend the bill as a whole by deleting sections 1 through 6 and inserting:

"Secs. 1-6. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 9 and 10 and inserting:

"Secs. 9 and 10. (Deleted by amendment.)".

Amend sec. 11, page 12, line 28, by deleting "*The*" and inserting "*1. The*".

Amend sec. 11, page 12, between lines 32 and 33 by inserting:

"*2. The department shall encourage the board of trustees of each school district to develop a program that measures the progress of a pupil by evaluating a compilation of a variety of different types of work produced by that pupil over the course of 1 school year. If developed, the results of the program must be used, along with the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations administered pursuant to subsection 1, to evaluate the overall success of a school district.*".

Amend the bill as a whole by deleting sec. 12 and inserting:

"Sec. 12. (Deleted by amendment.)".

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

"Sec. 14. (Deleted by amendment.)".

Amend sec. 15, page 13, by deleting lines 27 through 29 and inserting:

"Sec. 15. *1. The state board shall adopt*".

Amend sec. 15, page 13, by deleting lines 33 through 40.

Amend sec. 15, page 13, line 41, by deleting "*3.*" and inserting "*2.*".

Amend sec. 15, page 14, line 3, by deleting "*4.*" and inserting "*3.*".

Amend sec. 16, page 14, by deleting lines 11 through 20 and inserting: "*higher grade.*

2. A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.".

Amend sec. 17, page 14, line 23, after "*(b)*" by inserting: "*If he is at least 16 years of age but less than 18 years of age, submits to the state board written permission signed by his parent or legal guardian;*

(c)".

Amend sec. 17, page 14, line 25, by deleting "*(c)*" and inserting "*(d)*".

Amend sec. 17, page 14, line 26, by deleting "*(d)*" and inserting "*(e)*".

Amend sec. 18, page 14, line 35, by deleting: "*each school district shall,*" and inserting: "*a school district may,*".

Amend sec. 18, page 15, by deleting line 1 and inserting:

"*3. If the board of trustees of a school district establishes a policy that requires pupils to wear school uniforms, the board shall facilitate the*".

Amend sec. 18, page 15, between lines 3 and 4 by inserting:

"*4. The board of trustees of a school district may establish a dress code enforceable during school hours for the teachers and other personnel employed by the board of trustees.*".

Amend the bill as a whole by deleting sections 19 through 21 and inserting:

"Secs. 19-21. (Deleted by amendment.)".

Amend sec. 22, page 15, by deleting lines 23 through 26 and inserting:

"Sec. 22. *A pupil shall be deemed a habitual disciplinary problem if the school in which the pupil is enrolled has written evidence which documents that in one school year:*

1. The pupil has threatened or extorted, or attempted to threaten or extort another pupil, or a teacher or other personnel employed by the school;".

Amend the bill as a whole by deleting sections 23 through 33 and inserting:

"Secs. 23-33. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 37 through 51 and inserting:

"Secs. 37-51. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 53 and 54 and inserting:

"Secs. 53 and 54. (Deleted by amendment.)".

Amend sec. 57, page 38, by deleting lines 29 through 31 and inserting:

"Sec. 57. 1. This section and sections 1 to 10, inclusive, 12 to 33, inclusive, and 35 to 56, inclusive, of this act become effective on July 1, 1997.

2. Section 34 of this act becomes effective on July 1, 1998.

3. Section 11 of this act becomes effective on October 1, 1999."

Amend the title of the bill to read as follows: "An Act relating to education; making various changes relating to education; requiring the accreditation of public schools; requiring the board of trustees of school districts to prescribe certain examinations; authorizing the board of trustees to adopt a policy of school uniforms for pupils and a dress code for teachers; revising the provisions governing the suspension and expulsion of pupils; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "children." and inserting "education.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblymen Williams and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 686.

Amend section 1, page 2, by deleting lines 3 through 9 and inserting:

"(c) The *vehicle is not obstructing or interfering with traffic in the manner described in subsection 2 and the* person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after [abandoning] the vehicle *has been identified by a police officer as having been abandoned* on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after [abandoning] the vehicle *has been identified by a police officer as having been abandoned* on any other highway.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning and Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 949.

Amend section 1, page 2, line 24, by deleting "$500,000" and inserting "$290,000".

Amend section 1, page 2, by deleting line 34 and inserting "grant $40,000".

Amend the preamble of the bill, page 2, line 1, by deleting "per year".

Amend the preamble of the bill, page 2, line 2, by deleting "per year".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 465.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 952.

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

"Section 1. 1. There is hereby appropriated from the state general fund to the City of Las Vegas the sum of $100,000 for funding of the activities of the California-Nevada Super Speed Ground Transportation Commission.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill, third line, after "Commission;" by inserting: "making an appropriation;".

Amend the summary of the bill, first line, by deleting "Extends" and inserting: "Makes appropriation and extends".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 564.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 963.

Amend section 1, page 1, line 3, by deleting "telephone system" and inserting: "[telephone] system *of communication*".

Amend section 1, page 1, line 8, by deleting "telephone" and inserting "[telephone]".

Amend section 1, page 1, line 9, after "system" by inserting "*of communication*".

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

"Sec. 2. NRS 408.567 is hereby amended to read as follows:

408.567 1. Money received by the department from:

(a) Fees for providing information;

(b) Participants in a [telephone] system *of communication* established to reserve accommodations for travelers; and

(c) Appropriations made by the legislature for the purposes of NRS 408.551 to 408.567, inclusive,

must be deposited with the state treasurer for credit to the account for systems of providing information to the traveling public in the state highway fund, which is hereby created.

2. Money in the account must only be used to carry out the provisions of NRS 408.551 to 408.567, inclusive.".

Amend sec. 2, page 1, line 14, by deleting "the most" and inserting: "[the most] *one or more*".

Amend sec. 2, page 1, line 15, by deleting "telephones" and inserting "[telephones] *communication*".

Amend the title of the bill to read as follows: "An Act relating to public highways; revising certain provisions governing the establishment by the department of transportation of a system of communication for members of the traveling public; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises certain provisions governing establishment by department of transportation of system of communication for members of traveling public. (BDR 35-569)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 586.

Bill read second time and ordered to third reading.

Assembly Bill No. 609.

Bill read second time.

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

Amendment No. 969.

Amend section 1, page 1, line 6, after "*may*" by inserting: ", *in the alternative,*".

Amend sec. 2, page 2, by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 6, page 4, line 5, by deleting "*classifying*" and inserting "*designating*".

Amend sec. 7, page 4, by deleting line 10 and inserting:

"Sec. 7. *The manager may establish a plan to review small* ".

Amend sec. 7, page 4, by deleting lines 13 through 30.

Amend sec. 9, page 5, by deleting line 2 and inserting: "*1995.*

4. Any assessment required to be paid by insurers to fund the account or to pay for the administration of the account must be approved by the legislature.".

Amend sec. 10, page 5, by deleting line 10 and inserting: "*3. The money and assets*".

Amend sec. 10, page 5, by deleting lines 13 through 16 and inserting: "*that are related to injuries that are incurred on or after July 1, 1995.*".

Amend sec. 11, page 6, by deleting lines 12 through 20 and inserting: "of any law enforcement agency of this state may submit *to the administrator* a written request [to the manager that he furnish from the records of the insurer,] *for* the name, address and place of employment of any person listed in the records of [the] *an* insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the [manager shall] *administrator shall instruct the insurer to* furnish the information requested. [He] *Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer* may charge a reasonable fee to cover any related".

Amend sec. 11, page 6, by deleting lines 28 through 33 and inserting:

"7. [If the manager or any employee of the manager,] *Any person who,* in violation of this section, discloses information obtained from files of claimants or policyholders, or [if any person who has obtained] *obtains* a list of claimants or policyholders under chapters 616A to 616D, inclusive, of NRS *and* uses or permits the use of the list for any political purposes, [he] is guilty of a gross misdemeanor.".

Amend sec. 14, page 8, by deleting lines 13 through 34 and inserting:

"Sec. 14. NRS 616B.056 is hereby amended to read as follows:

616B.056 The manager shall:

1. Approve annual and biennial budgets of the system.

2. Approve investment policies of the system.

3. Approve the appointment of investment counselors and custodians of investments.

4. Approve the designation of banks as collection depositories.

5. Approve the appointment of an independent actuary and arrange for an annual actuarial valuation and report of the soundness of the system *and the state insurance fund* as prepared by the independent actuary.

6. Appoint an independent certified accountant who shall provide an annual audit of the [system] *state insurance fund* and report to the manager.

7. Before each legislative session, report to the legislature on the operation of the system and any recommendation for legislation which he deems appropriate.".

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

"Sec. 15.5. NRS 616B.068 is hereby amended to read as follows:

616B.068 The manager [and assistant managers are] *is* in the unclassified service of the state but [are] *is* entitled to receive *an* annual [salaries] *salary* fixed by the governor.".

Amend sec. 16, page 9, by deleting line 11 and inserting: "*operations for the account for current claims in*".

Amend sec. 16, page 9, line 16, by deleting "*1993,*" and inserting "*1995,*".

Amend sec. 16, page 9, by deleting lines 19 through 29 and inserting: "*created pursuant to section 9 of this act $650,000,000 in invested assets.*".

Amend sec. 19, pages 10 and 11, by deleting sec. 19 and inserting:

"Sec. 19. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 29 through 34 and inserting:

"Secs. 29-34. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 40.5, following sec. 40, to read as follows:

"Sec. 40.5. NRS 616C.235 is hereby amended to read as follows:

616C.235 1. Except as otherwise provided in subsection 2:

(a) When the insurer determines that a claim should be closed before all benefits to which the claimant may be entitled have been paid, the insurer shall send a written notice of its intention to close the claim to the claimant by first-class mail addressed to the last known address of the claimant. The notice must include a statement that if the claimant does not agree with the determination, he has a right to request a resolution of the dispute pursuant to NRS 616C.305 and 616C.315 to 616C.385, inclusive. A suitable form for requesting a resolution of the dispute must be enclosed with the notice. The closure of a claim is not effective unless notice is given as required by this subsection.

(b) If the insurer does not receive a request for the resolution of the dispute, it may close the claim.

(c) Notwithstanding the provisions of NRS 233B.125, if a hearing is conducted to resolve the dispute, the decision of the hearing officer may be served by first-class mail.

2. If the medical benefits required to be paid for a claim are less than $500, the claim closes automatically if the claimant does not receive medical treatment for the injury for at least [6] *12* months. The claimant may not appeal the closing of such a claim.".

Amend sec. 44, pages 23 and 24, by deleting sec. 44 and inserting:

"Sec. 44. (Deleted by amendment.)".

Amend sec. 47, page 27, by deleting sec. 47 and inserting:

"Sec. 47. (Deleted by amendment.)".

Amend sec. 55, page 32, by deleting sec. 55 and inserting: "Sec. 55. (Deleted by amendment.)".

Amend sec. 59, page 34, line 29, by deleting "An" and inserting "[An".

Amend sec. 59, page 34, by deleting lines 35 and 36 and inserting: "(c) Refuses to complete the report.] *An employer who files the report required by subsection 1 by*".

Amend sec. 59, page 34, line 41, by deleting "*5.*" and inserting "4.".

Amend the bill as a whole by adding a new section designated sec. 62.5, following sec. 62, to read as follows:

"Sec. 62.5. NRS 686B.1759 is hereby amended to read as follows:

686B.1759 "Insurer" [includes] *means* the state industrial insurance system and all private carriers authorized to provide industrial insurance in this state.".

Amend sec. 63, page 38, line 20, after "losses" by inserting "*and expenses*".

Amend sec. 63, page 38, line 21, by deleting "losses," and inserting "losses [,] *and expenses,*".

Amend sec. 64, page 39, line 11, after "losses" by inserting "[and expenses]".

Amend sec. 64, page 39, line 12, by deleting "losses," and inserting: "losses , [and expenses,]".

Amend sec. 67, page 40, by deleting lines 18 through 27 and inserting: "*commissioner apply to every insurer. In no case may an insurer's rate be less than the approved rate by more than the following percentages:*

(a) For the period beginning on July 1, 1999, and ending on June 30, 2000, no variance.

(b) For the period beginning on July 1, 2000, and ending on June 30, 2001, no more than a 5 percent variance.

(c) For the period beginning on July 1, 2001, and ending on June 30, 2002, no more than a 10 percent variance.

(d) For the period beginning on July 1, 2002, and ending on June 30, 2003, no more than a 15 percent variance.".

Amend sec. 68, pages 40 and 41, by deleting lines 43 an 44 on page 40 and lines 1 through 8 on page 41 and inserting: "commissioner apply to every insurer. In no case may an insurer's rate be less than the approved rate by more than the following percentages:

(a) For the period beginning on July 1, 1999, and ending on June 30, 2000, no variance.

(b) For the period beginning on July 1, 2000, and ending on June 30, 2001, no more than a 5 percent variance.

(c) For the period beginning on July 1, 2001, and ending on June 30, 2002, no more than a 10 percent variance.

(d) For the period beginning on July 1, 2002, and ending on June 30, 2003, no more than a 15 percent variance.".

Amend sec. 69, page 41, by deleting sec. 69 and inserting:

"Sec. 69. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 77.5, following sec. 77, to read as follows:

"Sec. 77.5. Section 7 of this act is hereby amended to read as follows:

Sec. 7. [The manager] *An insurer* may establish a plan to review small employers who are insured by the [system] *insurer* to encourage such employers to maintain their loss experience at the lowest possible level.".

Amend the bill as a whole by deleting sections 80 and 81 and adding new sections designated sections 80 and 81, following sec. 79, to read as follows:

"Sec. 80. 1. NRS 616B.110 is hereby repealed.

2. Sections 54, 104 and 106 of chapter 580, Statutes of Nevada 1995, at pages 2011, 2032 and 2033, respectively, are hereby repealed.

Sec. 81. 1. This section and sections 4 to 10, inclusive, 13, 15, 15.5, 16, 17, 20, 27, 28, 36, 40.5, 42, 61, 76, 78, 79 and 80 of this act become effective on July 1, 1997.

2. Section 14 of this act becomes effective at 12:01 a.m. on July 1, 1997.

3. Sections 1, 11, 24, 25, 26, 35, 37, 38, 39, 43, 45, 46, 49, 50, 51, 52, 53, 54, 58 and 59 of this act become effective on January 1, 1998.

4. Sections 18, 23, 40, 48, 56, 57, 60, 77 and 77.5 of this act become effective on July 1, 1999.

5. Sections 3, 12, 21, 22, 41, 62, 62.5, 63, 65, 67, 70, 72 and 74 of this act become effective at 12:01 a.m. on July 1, 1999.

6. Sections 64, 66, 68, 71, 73 and 75 of this act become effective on July 1, 2003".

Amend the text of repealed sections by deleting the text of NRS 616B.068 and 616B.236 and section 140 of chapter 580, Statutes of Nevada 1995.".

Amend the title of the bill, fourth line, by deleting "classifying" and inserting "designating".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 622.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 930.

Amend sec. 3, page 3, line 29, by deleting "*monthly*" and inserting "*quarterly*".

Amend sec. 3, page 4, line 2, after "*clerical,*" by inserting "*research, fiscal,*".

Amend sec. 5, page 7, line 4, after "*encourage*" by inserting "*conservation and*".

Amend sec. 5, page 7, line 11, after "*effect of*" by inserting "*conservation and*".

Amend sec. 5, page 7, line 21, after "*promote*" by inserting "*conservation and*".

Amend sec. 5, page 7, line 24, after "*of*" by inserting "*conservation,*".

Assemblywoman Braunlin moved the adoption of the amendment.

Remarks by Assemblywoman Braunlin.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 622 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Bill No. 630.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 920.

Amend section 1, page 2, line 16, by deleting "April" and inserting "[April] *July*".

Amend sec. 2, page 3, line 8, after "*initiative*" by inserting "*or referendum*".

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) The fiscal note, as provided pursuant to NRS [218.276,] *218.443 or 293.250,* for each proposed constitutional amendment or statewide measure;

(b) An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it; and

(c) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county or city clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. At least 10 days before any election, the county or city clerk shall cause to be mailed to each registered voter in the county or city a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county or city clerk shall mail a notice of the change to each registered voter in the county or city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. The county or city clerk shall include in each sample ballot for a primary election or primary city election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

5. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.".

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Section 4 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill, second line, after "petitions" by inserting "or referenda".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 641.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 995.

Amend section 1, page 2, lines 3 and 4, by deleting: "a nonattainment area" and inserting: "[a nonattainment area] *nonattainment or maintenance areas*".

Amend sec. 2, page 2, line 29, by deleting: "July 1, 1997." and inserting: "January 1, 1998.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 642.

Bill read second time and ordered to third reading.

Assembly Bill No. 646.

Bill read second time and ordered to third reading.

Assembly Bill No. 650.

Bill read second time and ordered to third reading.

Assembly Bill No. 656.

Bill read second time.

Assemblywoman Krenzer moved that Assembly Bill No. 656 be re-referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 320 be re-referred to the Committee on Ways and Means.

Motion lost.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 14.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 754.

Amend the resolution, page 2, by deleting lines 13 through 15 and inserting: "National Voter Registration Act of 1993 to require any person authorized to register voters to ask an applicant if he is a citizen of the United States and to require an applicant to declare whether he is a citizen of the United States, pursuant to the procedures adopted by the chief officer of

elections for each state, before a voter registration application form may be provided to the applicant; and be it further".

Amend the resolution, page 2, lines 17 and 18, by deleting: "allow such discretion;" and inserting: "require the chief officer of elections for each state to develop a procedure that must be followed, before a voter registration application form may be provided to an applicant, to determine if an applicant is a citizen of the United States;".

Amend the preamble of the resolution, page 2, by deleting line 6 and inserting:

"WHEREAS, When a person authorized to register voters offers the opportunity to".

Amend the preamble of the resolution, page 2, line 7, by deleting: "they know is an alien," and inserting: "may not be a citizen of the United States,".

Amend the title of the resolution by deleting the second and third lines and inserting: "Registration Act of 1993 to require that a determination be made as to whether an applicant is a citizen of the United States before a voter registration application form may be provided.".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 36.

Bill read second time and ordered to third reading.

Senate Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 982.

Amend section 1, page 2, by deleting lines 19 through 27 and inserting:

"*7. Terminate or refuse to approve a transfer of a franchise for a dealership, or honor the right of succession set forth in a franchise agreement or refuse to approve the transfer of a controlling interest in a dealership because the dealer has, before October 1, 1997, established an additional franchise to sell or service another line or make of new vehicles in the same facility as the existing dealership.*

8. Prevent a dealer from establishing, on or after October 1, 1997, an additional franchise to sell or service another line or make of new vehicles in the same facility as the existing dealership if the dealer:

(a) Submits a written request for approval of the additional franchise to the manufacturer, distributor or factory branch of the existing dealership;

(b) Complies with the reasonable requirements for approval set forth in the franchise agreement of the existing dealership; and

(c) Obtains the approval of the manufacturer, distributor or factory branch of the existing dealership.

The manufacturer, distributor or factory branch shall notify the dealer in writing of its decision to approve or deny the request within 90 days after receipt of the request. The manufacturer, distributor or factory branch shall not unreasonably withhold its approval.".

Amend the title of the bill to read as follows: "An Act relating to motor vehicles; making it an unfair act or practice for a motor vehicle manufacturer, distributor or factory branch to prevent a dealer from selling or servicing another line or make of new vehicles under certain circumstances; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 181.

Bill read second time and ordered to third reading.

Senate Bill No. 197.

Bill read second time and ordered to third reading.

Senate Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 902.

Amend section 1, page 1, by deleting line 9 and inserting: "*regulation by comparing it with other methods of*".

Amend sec. 2, page 2, by deleting line 28 and inserting: "*established to achieve air quality standards that protect the health of the residents of the State of Nevada.*".

Amend the title of the bill by deleting the fourth line and inserting: "be established to achieve air quality standards that protect the health of the residents of this state; and providing".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 290.

Bill read second time and ordered to third reading.

Senate Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 973.

Amend sec. 3, page 2, by deleting lines 8 through 12 and inserting: "*violation of his civil rights and the offender requests that any other offender appear as a witness in*".

Amend sec. 5, page 3, by deleting lines 18 through 22 and inserting:

"*2. An amount the director considers reasonable to meet an existing obligation of the offender for the support of his family.*

3. An amount determined by the director, with the approval of the board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the department.".

Amend sec. 6.2, page 5, by deleting lines 14 and 15 and inserting:

"*4. Upon request of the director, a private employer who employs an offender shall provide the director with:*".

Amend sec. 6.2, page 5, line 18, after "*Any*" by inserting "*additional* ".

Amend sec. 6.2, page 5, by deleting lines 20 through 22.

Amend sec. 7, page 5, by deleting lines 34 and 35 and inserting: "paragraph (b)] *paragraph (c)* of subsection 1 of NRS 209.463 [.] *or subsection 3 of section 5 of this act.* The money in the fund must only be expended to house".

Amend sec. 7.6, page 7, by deleting lines 32 and 33 and inserting: "2. *An offender shall deposit all money that he receives into his*".

Amend sec. 7.6, page 8, by deleting lines 10 and 11 and inserting: "*6. An offender who does not deposit all money that he receives into his*".

Amend sec. 7.6, page 8, by deleting lines 15 and 16 and inserting: "*money the offender receives into the individual account of the*".

Amend sec. 8, page 9, by deleting lines 9 and 10 and inserting: "*which the offender must be charged a reasonable fee not to exceed the actual costs incurred by the department;*".

Amend sec. 8, page 9, between lines 20 and 21, by inserting:

"*4. Repay any cost to the State of Nevada or any agency or political subdivision thereof that is incurred in defending the state against an action filed by an offender in federal court alleging a violation of his civil rights which is determined by the court to be frivolous.*".

Amend sec. 14, page 12, between lines 33 and 34, by inserting:

"*(b) An amount the director considers reasonable to meet an existing obligation of the offender for the support of his family.*".

Amend sec. 14, page 12, line 34, by deleting "*(b)*" and inserting "*(c)*".

Amend sec. 14, page 12, line 38, by deleting "*(c)*" and inserting "*(d)*".

Amend sec. 14, page 12, line 41, by deleting "*(d)*" and inserting "*(e)*".

Amend sec. 14, page 13, by deleting line 1 and inserting: "[(5) An amount the director considers reasonable to meet any".

Amend sec. 14, page 13, line 3, by deleting the open bracket.

Amend sec. 23, page 20, line 27, by deleting: "sections 6.2 and" and inserting "section".

Amend the title of the bill, sixth line, by deleting "himself and".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 854.

Amend section 1, page 1, line 10, after "*place*" by inserting: "*clearly visible to the general public*".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. NRS 487.070 is hereby amended to read as follows:

487.070 1. The department may approve or reject the application and, if approved, shall issue to the applicant:

(a) A license containing the applicant's name and address, the name under which the business is to be conducted, the business address, and a distinguishing number assigned to the applicant.

(b) A card which:

(1) Contains the information specified in paragraph (a);

(2) Includes a picture of the licensee; and

(3) Clearly identifies the holder of the card as a licensed automobile wrecker.

2. A licensee may obtain one or two cards for his business. The department shall charge a fee of $50 for each card issued. Fees collected by the department pursuant to this subsection must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers and body shops.

3. *A licensee shall post the license in a conspicuous place clearly visible to the general public at the business address set forth on the license.*

4. A license expires on April 30 of each year.

[4.] *5.* A licensee may renew his license by submitting to the department:

(a) A completed application for renewal upon a form supplied by the department; and

(b) The fee for renewal of a license provided in NRS 487.080.".

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

"Sec. 6.5. NRS 487.430 is hereby amended to read as follows:

487.430 1. The department may approve or reject the application for a license to operate a salvage pool and, if approved, shall issue to the applicant a license containing the applicant's name and address, the name under which the business is to be conducted, the business address, and a distinguishing number assigned to the applicant.

2. *A licensee shall post the license in a conspicuous place clearly visible to the general public at the business address set forth on the license.*

3. A license expires on April 30 of each year.

[3.] *4.* A licensee may renew his license by submitting to the department:

(a) A completed application for renewal upon a form supplied by the department; and

(b) The fee for renewal of a license provided in NRS 487.450.".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the department upon forms supplied by the department. The application must be accompanied by such proof as the department requires to evidence that the applicant meets the statutory requirements to become an operator of a body shop.

2. The department shall charge a fee of $300 for the issuance or renewal of a license to operate a body shop. Fees collected by the department pursuant to this subsection must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers and body shops.

3. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the department shall issue to the applicant a license to operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall [display] *post* the license [number prominently] in *a conspicuous place clearly visible to the general public in* the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on April 30 of each year.

6. A licensee may renew his license by submitting to the department:

(a) A completed application for renewal upon a form supplied by the department; and

(b) The fee for renewal of a license provided in subsection 2.".

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

"Sec. 11. Sections 5.5, 6.5 and 8.5 of this act become effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill, first line, by deleting "signs" and inserting: "the display of signs and licenses".

Amend the summary of the bill, first line, by deleting "signs" and inserting: "display of signs and licenses".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 414.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 173, 582, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 651, 652, 654; Senate Bill No. 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 252, 346, 474, 480, 647, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 476, 486, 578, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 553, 602, 613, 633, 634; Assembly Joint Resolution No. 21; Senate Bills Nos. 148, 155, 267, 291, 363 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 394.

Bill read third time.

Remarks by Assemblymen Evans and Collins.

Roll call on Assembly Bill No. 394:

YEAS — 42.

NAYS — None.

Assembly Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 472.

Bill read third time.

Remarks by Assemblymen Chowning and Freeman.

Roll call on Assembly Bill No. 472:

YEAS — 42.

NAYS — None.

Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 584.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 950.

Amend sec. 8, page 5, line 42, by deleting "*immediately*" and inserting: "*, before testing the person, make a reasonable attempt to*".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 10 and 11 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. NRS 62.170 is hereby amended to read as follows:

62.170 1. Except as otherwise provided in NRS 62.175, any peace officer or probation officer may take into custody any child who is found violating any law or ordinance or whose conduct indicates that he is a child in need of supervision. [When] *Except as otherwise provided in NRS 484.383, when* a child is taken into custody, the officer shall immediately notify the parent, guardian or custodian of the child, if known, and the probation officer. Unless it is impracticable or inadvisable or has been otherwise ordered by the court, or is otherwise provided in this section, the child must be released to the custody of his parent or other responsible adult who has signed a written agreement to bring the child to the court at a stated time or at such time as the court may direct. The written agreement must be submitted to the court as soon as possible. If this person fails to produce the child as agreed or upon notice from the court, a writ may be issued for the attachment of the person or of the child requiring that the person or child, or both of them, be brought into the court at a time stated in the writ.

2. If the child is not released, as provided in subsection 1, the child must be taken without unnecessary delay to the court or to the place of detention designated by the court, and, as soon as possible thereafter, the fact of detention must be reported to the court. Pending further disposition of the case the child may be released to the custody of the parent or other person appointed by the court, or may be detained in such place as is designated by the court, subject to further order. The court may authorize supervised detention at the [child's] home *of the child* in lieu of detention at a facility for the detention of juveniles.

3. A child alleged to be delinquent or in need of supervision must not, before disposition of the case, be detained in a facility for the secure detention of juveniles unless there is probable cause to believe that:

(a) If the child is not detained, he is likely to commit an offense dangerous to himself or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the court or to its officers;

(c) The child was brought to the probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

4. A child not alleged to be delinquent or in need of supervision must not at any time be confined or detained in a facility for the secure detention of juveniles or any police station, lockup, jail, prison or other facility in which adults are detained or confined.

5. A child under 18 years of age must not at any time be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult convicted of a crime or under arrest and charged with a crime, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained therein.

6. A child alleged to be delinquent who is taken into custody and detained must be given a detention hearing, conducted by the judge or master:

(a) Within 24 hours after the child submits a written application;

(b) In a county whose population is less than 100,000, within 24 hours after the commencement of detention at a police station, lockup, jail, prison or other facility in which adults are detained or confined;

(c) In a county whose population is 100,000 or more, within 6 hours after the commencement of detention at a police station, lockup, jail, prison or other facility in which adults are detained or confined; or

(d) Within 72 hours after the commencement of detention at a facility in which adults are not detained or confined,

whichever occurs first, excluding Saturdays, Sundays and holidays. A child must not be released after a detention hearing without the written consent of the judge or master.

7. If the parent, guardian or custodian of the child appears with or on behalf of the child at a detention hearing, the judge or master shall provide to him a certificate of attendance which he may provide to his employer. The certificate of attendance must set forth the date and time of appearance and the provisions of NRS 62.410. The certificate of attendance must not set forth the name of the child or the offense alleged.

8. A child who is taken into custody and detained must, if alleged to be a child in need of supervision, be released within 24 hours, excluding Saturdays, Sundays and holidays, after his initial contact with a peace officer to his parent, guardian or custodian, to any other person who is able to provide adequate care and supervision, or to shelter care, except as otherwise provided in subsection 9 or unless the court holds a detention hearing and determines the child:

(a) Has threatened to run away from home or from the shelter;

(b) Is accused of violent behavior at home; or

(c) Is accused of violating the terms of his supervision and consent decree.

If the court makes such a determination, the child may be detained for an additional 24 hours after the hearing, excluding Saturdays, Sundays and holidays, if needed by the court to make an alternative placement. Such an alternative placement must be in a facility in which there are no physically restraining devices or barriers. A child must not be detained pursuant to this subsection for a total period in excess of 48 hours, excluding Saturdays, Sundays and holidays.

9. A child alleged to be in need of supervision who is taken into custody and detained need not be released within 24 hours, excluding Saturdays, Sundays and holidays, after his initial contact with a peace officer to his parent, guardian or custodian, to any other person who is able to provide adequate care and supervision, or to a shelter for care, if the court holds a detention hearing and determines the child:

(a) Is a ward of a federal court or held pursuant to federal statute;

(b) Has run away from another state and a jurisdiction within the state has issued a want, warrant or request for the child; or

(c) Is accused of violating a valid court order.

If the court makes such a determination, the child may be detained for such an additional period as necessary for the court to return the child to the jurisdiction from which he originated or to make an alternative placement. Such an alternative placement must be in a facility in which there are no physically restraining devices or barriers.

10. During the pendency of a criminal or quasi-criminal charge of a crime excluded from the original jurisdiction of the court pursuant to NRS 62.040, a child may petition the juvenile division for temporary placement in a facility for the detention of juveniles.

11. In determining whether to release a child pursuant to this section to a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child.".

Amend the title of the bill, third line, after "to" by inserting: "make a reasonable attempt to".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 549 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 257 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 549.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 549:

YEAS — 41.

NAYS — None.

Not voting — Krenzer.

Assembly Bill No. 549 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 651.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Arberry.

Assemblyman Arberry moved that Assembly Bill No. 651 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 652.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 652:

YEAS — 42.

NAYS — None.

Assembly Bill No. 652 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 654.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 654:
YEAS — 42.
NAYS — None.
Assembly Bill No. 654 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 345.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 345:
YEAS — 42.
NAYS — None.
Assembly Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 553.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 553:
YEAS — 42.
NAYS — None.
Assembly Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 602.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 602:
YEAS — 42.
NAYS — None.
Assembly Bill No. 602 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 613.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 613:
YEAS — 42.
NAYS — None.

Assembly Bill No. 613 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 633.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 633:

YEAS — 42.

NAYS — None.

Assembly Bill No. 633 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 634.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 634:

YEAS — 41.

NAYS — Braunlin.

Assembly Bill No. 634 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 21.

Resolution read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Joint Resolution No. 21:

YEAS — 42.

NAYS — None.

Assembly Joint Resolution No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 13.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Senate Bill No. 13:

YEAS — 42.

NAYS — None.

Senate Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 24.

Bill read third time.

Remarks by Assemblymen Bache, Freeman and Ernaut.

Roll call on Senate Bill No. 24:

YEAS — 42.

NAYS — None.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 53:

YEAS — 41.

NAYS — Collins.

Senate Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 133:

YEAS — 42.

NAYS — None.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 145.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 145:

YEAS — 42.

NAYS — None.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 150.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1033.

Amend section 1, page 2, line 3, after "*refrigeration*" by inserting ", *heating*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 209.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Senate Bill No. 209:

YEAS — 42.

NAYS — None.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 231:

YEAS — 42.

NAYS — None.

Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 242.

Bill read third time.

Remarks by Assemblymen Buckley and Hickey.

Roll call on Senate Bill No. 242:

YEAS — 42.

NAYS — None.

Senate Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 280.

Bill read third time.

Remarks by Assemblymen Goldwater and Segerblom.

Roll call on Senate Bill No. 280:

YEAS — 42.

NAYS — None.

Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 355.

Bill read third time.

Remarks by Assemblymen Gustavson and Chowning.

Roll call on Senate Bill No. 355:

YEAS — 42.

NAYS — None.

Senate Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 404:

YEAS — 42.

NAYS — None.

Senate Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 412.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 412:

YEAS — 41.

NAYS — Amodei.

Senate Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 419.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 419:

YEAS — 42.

NAYS — None.

Senate Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 423.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Senate Bill No. 423:
YEAS — 42.
NAYS — None.
Senate Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 459.
Bill read third time.
Remarks by Assemblymen Hettrick, Evans and Humke.
Conflicts of interest declared by Assemblymen Evans and Humke.
Roll call on Senate Bill No. 459:
YEAS — 40.
NAYS — None.
Not voting — Evans, Humke — 2.
Senate Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 465.
Bill read third time.
Remarks by Assemblywoman de Braga.
Roll call on Senate Bill No. 465:
YEAS — 42.
NAYS — None.
Senate Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 16.
Resolution read third time.
Remarks by Assemblyman Mortenson.
Roll call on Senate Joint Resolution No. 16:
YEAS — 42.
NAYS — None.
Senate Joint Resolution No. 16 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 148.
Bill read third time.
Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 148:
YEAS — 42.
NAYS — None.
Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 155.
Bill read third time.
Remarks by Assemblywoman Krenzer.
Roll call on Senate Bill No. 155:
YEAS — 42.
NAYS — None.
Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 267.
Bill read third time.
Remarks by Assemblyman Herrera.
Roll call on Senate Bill No. 267:
YEAS — 39.
NAYS — Price.
Not voting — Lee, Marvel — 2.
Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 291.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 291:
YEAS — 42.
NAYS — None.
Senate Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 363.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 363:
YEAS — 42.
NAYS — None.

Senate Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 257.

Bill read third time.

Remarks by Assemblymen Gustavson and Perkins.

Roll call on Senate Bill No. 257:

YEAS — 12.

NAYS — Amodei, Anderson, Bache, Berman, Carpenter, Close, Collins, de Braga, Dini, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hickey, Koivisto, Krenzer, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Ohrenschall, Parks, Perkins, Price, Segerblom, Williams — 30.

Senate Bill No. 257 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assemblyman Perkins moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:11 p.m.

ASSEMBLY IN SESSION

At 4:50 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 248, 342, 577, 659, 660.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 201, 219, 310, 356.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Senate Bill No. 128.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 3, 173, 252, 346, 455, 474, 480, 499, 552, 582, 618, 647; Senate Bills Nos. 113, 275, 424 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 262, 476, 486, 578, 586, 642, 646, 650; Senate Bills Nos. 36, 181, 197, 290, 414 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bills Nos. 586, 642, 646, 650 considered engrossed, declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 36, 181, 197, 290, 414 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 56—Limiting the number of requests that may be submitted to the Legislative Counsel during the interim for drafting and directing the completion of 1,000 bill drafts before the first day of the 70th session of the Nevada Legislature.

Assemblyman Herrera moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 201.

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

Motion carried.

Senate Bill No. 219.

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

Motion carried.

Senate Bill No. 310.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 356.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1014.

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

"Section 1. The Nevada Legislature hereby urges the department of transportation and the city of Henderson, in cooperation with other affected local governmental entities, to:

1. Determine the feasibility of constructing a wall to function as a sound barrier along both sides of U.S. Highway No. 515 in Henderson, Nevada, between Lake Mead Boulevard and the Boulder Highway; and

2. If it is determined that the construction of such a sound barrier is feasible, complete the construction of the sound barrier in a timely and cost-effective manner.".

Amend the title of the bill by deleting the first through third lines and inserting: "An Act relating to public highways; urging the department of transportation to cooperate with other entities in determining the feasibility of constructing a sound barrier alongside a certain portion of U.S. Highway No. 515 in Henderson; and".

Amend the summary of the bill by deleting the first line and inserting: "Summary—Urges department of transportation to cooperate with other entities to determine feasibility of constructing".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning and Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time.

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

Amendment No. 1007.

Amend the bill as a whole by deleting sections 1 through 5, renumbering sec. 6 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 244A.7643 is hereby amended to read as follows:

244A.7643 1. The board of county commissioners in a county whose population is more than 100,000 but less than 400,000 may, by ordinance, impose a surcharge on:

(a) Each access line or trunk line of each customer to the local exchange of any telephone company providing those lines in the county; and

(b) The mobile telephone service provided to each customer of that service who resides in the county,

for the enhancement of the telephone system for reporting an emergency in the county.

2. The surcharge imposed by a board of county commissioners pursuant to subsection 1:

(a) For each access line to the local exchange of a telephone company, must not exceed 25 cents each month;

(b) For each trunk line to the local exchange of a telephone company, must equal 10 times the amount of the surcharge imposed for each access line to the local exchange of a telephone company pursuant to paragraph (a); and

(c) For each telephone number assigned to a customer by a supplier of mobile telephone service, must equal the amount of the surcharge imposed for each access line to the local exchange of a telephone company pursuant to paragraph (a).

3. A telephone company which provides access lines or trunk lines in a county which imposes a surcharge pursuant to this section or a supplier which provides mobile telephone service to a customer in such a county, shall collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, the telephone company or supplier shall remit the surcharge it collects to the treasurer of the county where the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers.

4. *An ordinance adopted pursuant to subsection 1 may include a schedule of penalties for the delinquent payment of amounts due from telephone companies or suppliers pursuant to this section. Such a schedule:*

(a) Must provide for a grace period of not less than 90 days after the date on which the telephone company or supplier must otherwise remit the surcharge to the county treasurer; and

(b) Must not provide for a penalty that exceeds 5 percent of the cumulative amount of surcharges owed by a telephone company or a supplier.

5. As used in this section, "trunk line" means a line which provides a channel between a switchboard owned by a customer of a telephone company and the local exchange of the telephone company.".

Amend the title of the bill to read as follows: "An Act relating to public improvements; authorizing certain counties to establish a schedule of penalties for the delinquent payment of the surcharge on certain telephone lines and services to pay for the enhancement of telephone systems for reporting emergencies in those counties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Authorizes certain counties to establish schedule of penalties for delinquent payment of surcharge on certain telephone lines and services to pay for enhancement of telephone systems for reporting emergencies in those counties. (BDR 20-542)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 948.

Amend section 1, page 1, line 2, by deleting "$300,000" and inserting "$200,000".

Amend section 1, page 1, line 4, by deleting "$150,000;" and inserting "$100,000;".

Amend section 1, page 1, line 5, by deleting: "and operational expenses of".

Amend section 1, page 1, line 6, by deleting "$150,000." and inserting "$100,000.".

Amend the title of the bill, second line, by deleting: "and operational expenses of".

Amend the summary of the bill, second line, by deleting: "and operational expenses of ".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 946.

Amend section 1, page 1, line 2, by deleting "$100,000" and inserting "$60,000".

Amend sec. 2, page 1, lines 6 and 7, by deleting: "the project is completed" and inserting: "June 30, 1999,".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 919.

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

"Section 1. 1. The Legislature of the State of Nevada hereby urges a regional transportation commission created pursuant to chapter 373 of NRS or a local government that is considering the placement of a new road within its jurisdiction to advertise the location of the proposed new road by radio, television and newspaper advertisements and any other methods necessary to ensure that the residents of all real property that is located within 300 feet from the proposed new road are notified of its location at least 10 days before the regional transportation commission or local government renders a decision regarding the placement of the proposed new road.

2. As used in this section, "local government" has the meaning ascribed to it in NRS 354.474.".

Amend the title of the bill to read as follows: "An Act relating to roads; urging a regional transportation commission or local government that is considering the placement of a new road within its jurisdiction to advertise

the location of the proposed new road; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Urges regional transportation commissions and local governments to advertise locations of proposed new roads. (BDR S-26)".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 951.

Amend section 1, page 1, line 2, by deleting "$50,000" and inserting "$25,000".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. 1. There is hereby appropriated from the state general fund to Lyon County the sum of $11,720 for the costs related to building a fence around Stockton Wells Station.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill to read as follows: "An Act making appropriations to Storey County to repair the damage resulting from the vandalism of the Virginia City Cemetery and to Lyon County for the costs related to building a fence around the Stockton Wells Station.".

Amend the summary of the bill to read as follows: "Summary—Makes appropriations to Storey County to repair damage resulting from vandalism of Virginia City Cemetery and to Lyon County for costs related to building fence around Stockton Wells Station. (BDR S-1716)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 480.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 947.

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

"Section 1. 1. The sum of $328,761 is hereby appropriated from the state general fund to the state distributive school account in that fund.

2. Notwithstanding the provisions of chapter 387 of NRS, section 3 of chapter 36, Statutes of Nevada 1995, and any other legislative measure which provides for the distribution of money in the state distributive school account:

(a) The money appropriated by subsection 1 must be used by the state treasurer to make any payment of principal and interest that becomes due during the 1997-1998 fiscal year on any obligation incurred by the White Pine County School District pursuant to section 2 of chapter 36, Statutes of Nevada 1995.

(b) The portion of the money appropriated by subsection 1 that is paid out by the state treasurer pursuant to paragraph (a) must be repaid by White Pine County School District from money in the state distributive school account in the state general fund that is subject to distribution to the White Pine County School District pursuant to chapter 387 of NRS in the first fiscal year following the last fiscal year in which payments are made pursuant to paragraph (a) of subsection 3 of section 3 of chapter 36, Statutes of Nevada 1995. To facilitate the repayment, the state treasurer shall withhold from the school money otherwise due to White Pine County School District in that fiscal year pursuant to NRS 387.185, the amount that was required for repayment pursuant to this paragraph.

3. Any balance of this appropriation remaining after the payments required by paragraph (a) of subsection 2 reverts to the state general fund when the last payment for the 1997-1998 fiscal year has been made.".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblymen Hettrick, Giunchigliani and de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 499.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 918.

Amend sec. 5, page 1, line 14, by deleting "40" and inserting "30".

Amend sec. 5, page 2, line 2, after "over" by inserting "or under".

Amend sec. 5, page 2, line 11, by deleting: "located; and" and inserting: "located and must not require the state or any of its agencies to assume any

liability for any losses incurred as a result of constructing, improving, maintaining or operating the toll road or toll bridge; and".

Amend sec. 5, page 2, by deleting lines 21 through 42 and inserting:

"3. The toll road or toll bridge must be a new road or bridge that is built within an existing state right of way.

4. The director shall not:

(a) Convert an existing road or bridge into a toll road or toll bridge pursuant to the provisions of this chapter; or

(b) Authorize or facilitate the creation of a project pursuant to the provisions of this chapter, other than a bridge or tunnel, unless an alternative route without charge is reasonably available.".

Amend sec. 6, page 3, by deleting lines 4 through 6 and inserting: "board of finance issue revenue bonds or any other evidence of indebtedness to finance the cost or any portion of the cost of the project.".

Amend the title of the bill, second line, by deleting: "a limited number of" and inserting "certain".

Amend the summary of the bill by deleting the second line and inserting: "certain toll roads and bridges. (BDR 35-1463)".

Assemblyman Collins moved the adoption of Amendment No. 918 to Assembly Bill No. 499.

Remarks by Assemblyman Collins.

Amendment adopted.

The following amendment was proposed by Assemblywoman Berman:

Amendment No. 1023.

Amend sec. 5, page 1, by deleting line 13 and inserting: "thereof, a toll road or toll bridge in a county whose population is 400,000 or more to relieve traffic congestion. The term of such a contract".

Assemblywoman Berman moved the adoption of Amendment No. 1023 to Assembly Bill No. 499.

Remarks by Assemblywoman Berman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 552.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 655.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 4 as sections 5 through 7 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 482.265 is hereby amended to read as follows:

482.265 1. The department shall furnish to every owner whose vehicle [shall be] *is* registered two license plates for a motor vehicle other than a motorcycle or power cycle, and one license plate for all other vehicles required to be registered hereunder. Upon renewal of registration, the department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The director shall have the authority to require the return to the department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

Sec. 2. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided [in NRS 482.3747, 482.3775, 482.379 to 482.3794, inclusive, section 1 of Senate Bill No. 9 of this session and section 1 of this act, or NRS 482.384,] *by specific statute,* the director shall order the preparation of motor vehicle license plates with no other colors than blue and silver. The director may substitute white in place of silver when no suitable material is available.

2. The director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

3. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of the state, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

4. The letters I and Q must not be used in the designation.

5. Except as otherwise provided in NRS 482.379, all letters and numbers must be of the same size.

Sec. 3. NRS 482.3672 is hereby amended to read as follows:

482.3672 1. An owner of a motor vehicle who is a resident of this state and who is regularly employed or engaged as an editor, reporter or photographer by a newspaper or television or radio station may, upon signed application on a form prescribed and provided by the department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A letter from the news director, editor or publisher of the periodical or station by whom he is employed,

be issued license plates upon which is inscribed PRESS with three consecutive numbers.

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section leaves the service of the newspaper or station which has provided the letter required by subsection 1, he shall surrender any special plates in his possession to the department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the department.

4. The department may adopt regulations governing the issuance of special license plates to members of the press.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.

Sec. 4. NRS 482.3675 is hereby amended to read as follows:

482.3675 1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this state and who holds from a foreign country a letter of appointment as an honorary consul may, upon signed application on a form prescribed and provided by the department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,

be issued a set of license plates upon which is inscribed CONSULAR CORPS with three consecutive numbers.

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section loses his status as an honorary consul, he shall surrender any special plates in his possession to the department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the department.

4. The department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The department shall include on the form for application a notice to the applicant that the issuance of such license plates does not confer any diplomatic immunity.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.".

Amend sec. 2, page 2, line 29, by deleting "*$20*" and inserting "*$10*".

Amend sec. 3, page 3, line 17, by deleting "*$20.*" and inserting "*$10.*".

Amend sec. 4, page 4, by deleting lines 6 through 8 and inserting:

"4. [The fee for the special license plate is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The annual fee for a renewal sticker is $15.] *Except as otherwise provided in this subsection, no fee in addition to the applicable registration and license fees and motor vehicle privilege taxes may be charged for the issuance or renewal of special license plates issued pursuant to this section.* If the special plates".

Amend the bill as a whole by deleting sections 5 through 8 and renumbering sections 9 and 10 as sections 8 and 9.

Amend sec. 9, page 9, line 11, by deleting "*20*" and inserting "*10*".

Amend sec. 10, page 9, line 25, by deleting "*20*" and inserting "*10*".

Amend the bill as a whole by renumbering sec. 11 as sec. 21 and adding new sections designated sections 10 through 20, following sec. 10, to read as follows:

"Sec. 10. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. The department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words STREET ROD and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, he shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The fee for an annual renewal sticker is [$20.] *$10.*

Sec. 11. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. The department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the department.

2. License plates issued pursuant to this section must be inscribed with the words CLASSIC ROD and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, he shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The fee for an annual renewal sticker is [$20.] *$10.*

Sec. 12. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other decal (license plate sticker or tab)	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, [and] section 1 of [this act,] *Assembly Bill No. 32 of this session and section 1 of Senate Bill No. 9 of this session,* a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

4. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 13. Chapter 502, Statutes of Nevada 1995, at page 1658, is hereby amended by adding thereto new sections designated as sections 4 and 5 to read as follows:

Sec. 4. On or before October 1, 1999, the department of motor vehicles and public safety shall determine and publicly declare the number of applications it has received for a license plate pursuant to section 1 of this act.

Sec. 5. The amendatory provisions of this act expire by limitation on October 1, 1999, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for a license plate pursuant to section 1 of this act.

Sec. 14. Chapter 504, Statutes of Nevada 1995, at page 1662, is hereby amended by adding thereto new sections designated as sections 4 and 5 to read as follows:

Sec. 4. On or before October 1, 1999, the department of motor vehicles and public safety shall determine and publicly declare the number of applications it has received for a license plate pursuant to section 1 of this act.

Sec. 5. The amendatory provisions of this act expire by limitation on October 1, 1999, if on that date the department of motor vehicles and

public safety has received fewer than 250 applications for a license plate pursuant to section 1 of this act.

Sec. 15. Chapter 505, Statutes of Nevada 1995, at page 1664, is hereby amended by adding thereto new sections designated as sections 5 and 6 to read as follows:

Sec. 5. On or before October 1, 1999, the department of motor vehicles and public safety shall determine and publicly declare the number of applications it has received for a license plate pursuant to section 1 of this act.

Sec. 6. The amendatory provisions of this act expire by limitation on October 1, 1999, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for a license plate pursuant to section 1 of this act.

Sec. 16. Chapter 506, Statutes of Nevada 1995, at page 1667, is hereby amended by adding thereto new sections designated as sections 3 and 4 to read as follows:

Sec. 3. On or before October 1, 1999, the department of motor vehicles and public safety shall determine and publicly declare the number of applications it has received for a license plate pursuant to subsection 1 of section 1 of this act.

Sec. 4. The amendatory provisions of this act expire by limitation on October 1, 1999, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for a license plate pursuant to subsection 1 of section 1 of this act.

Sec. 17. Section 1 of Assembly Bill No. 32 of this session is hereby amended to read as follows:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the department, in cooperation with the Grand Lodge of Free and Accepted Masons of the State of Nevada, shall design, prepare and issue license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons using any colors and designs which the department deems appropriate. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The department shall issue license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons for a passenger car or a light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate affiliation with the Grand Lodge of Free and Accepted

Masons if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons.

3. An application for the issuance or renewal of license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons is void unless it has been stamped or otherwise validated by the Grand Lodge of Free and Accepted Masons. The Grand Lodge of Free and Accepted Masons may charge a fee for validating an application.

4. The fee payable to the department for license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The license plates are renewable upon the payment to the department of [$20] *$10* in addition to all other applicable registration and license fees and motor vehicle privilege taxes.

5. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, he may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

6. For the purposes of this section, "Grand Lodge of Free and Accepted Masons" means the Grand Lodge of Free and Accepted Masons of the State of Nevada, or its successor, and any recognized sister jurisdiction or organization of the Grand Lodge of Free and Accepted Masons.

Sec. 18. Assembly Bill No. 529 of this session is hereby amended by adding thereto a new section to be designated as section 3, immediately following section 2, to read as follows:

Sec. 3. The amendatory provisions of this act expire by limitation on October 1, 2001, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of a license plate pursuant to section 1 of this act.

Sec. 19. Section 1 of Assembly Bill No. 590 of this session is hereby amended to read as follows:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The department shall, using any colors and designs that the department deems appropriate, design, prepare and issue license plates which indicate combined support for the Juvenile Diabetes Foundation International and the Sickle Cell Disease Association of America. The

department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The department shall issue license plates that indicate combined support for the Juvenile Diabetes Foundation International and the Sickle Cell Disease Association of America for a passenger car or a light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for the Juvenile Diabetes Foundation International and the Sickle Cell Disease Association of America if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate combined support for the Juvenile Diabetes Foundation International and the Sickle Cell Disease Association of America.

3. The fee for license plates that indicate combined support for the Juvenile Diabetes Foundation International and the Sickle Cell Disease Association of America is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The license plates are renewable upon the payment of [$20.] *$10.*

4. In addition to all fees for the license, registration and privilege taxes, a person who requests a set of license plates that indicate support for the Juvenile Diabetes Foundation International and the Sickle Cell Disease Association of America must pay for the initial issuance of the plates an additional fee of $20.

5. The department shall distribute each fee collected pursuant to subsection 4 to the Nevada chapter of the Juvenile Diabetes Foundation International or to the Sickle Cell Disease Association of America in accordance with the preference expressed by the person at the time the fees are paid.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, he may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

Sec. 20. Section 1 of Senate Bill No. 457 of this session is hereby amended to read as follows:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The department shall, in cooperation with the Nevada commission on sports and using any colors and designs that the department deems appropriate, design, prepare and issue license plates which indicate status as a hall of fame athlete. The design of the license plates must include the words "hall of fame."

2. The department shall issue license plates that indicate status as a hall of fame athlete for a passenger car or a light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate status as a hall of fame athlete if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate status as a hall of fame athlete.

3. An application for the issuance or renewal of license plates that indicate status as a hall of fame athlete is void unless it is accompanied by documentation which, in the determination of the department, provides reasonable proof of identity and status as a hall of fame athlete.

4. The fee for license plates that indicate status as a hall of fame athlete must be:

(a) Established by the department in an amount sufficient to reimburse the department for the cost of designing, manufacturing and stamping the plates.

(b) In addition to all other applicable registration and license fees and motor vehicle privilege taxes.

The license plates are renewable upon the payment to the department of [$20] *$10* in addition to all other applicable registration and license fees and motor vehicle privilege taxes.

5. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, he may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

6. As used in this section, "hall of fame athlete" means a current or former professional athlete who has been inducted into a hall of fame pertaining to the sport in which the athlete participates or participated professionally, including, but not limited to:

(a) The National Baseball Hall of Fame, located in Cooperstown, New York.

(b) The Basketball Hall of Fame, located in Springfield, Massachusetts.

(c) The Pro Football Hall of Fame, located in Canton, Ohio.

(d) The Hockey Hall of Fame, located in Toronto, Ontario, Canada.

(e) The National Soccer Hall of Fame, located in Oneonta, New York.

(f) The International Tennis Hall of Fame, located in Newport, Rhode Island.".

Amend sec. 11, page 9, by deleting line 26 and inserting:

"Sec. 21. 1. This section and sections 13 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 12 and 17 to 20, inclusive, of this act become effective at 12:01 a.m. on October 1, 1997.

3. Section 2 of this act becomes effective at 12:02 a.m. on October 1, 1997.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 582.

Bill read second time.

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

Amendment No. 1008.

Amend section 1, page 1, line 2, by deleting: "2 to 5, inclusive," and inserting: "2, 3 and 4".

Amend sec. 2, page 1, by deleting lines 3 and 4 and inserting:

"Sec. 2. *"Law enforcement agency" means a branch, department or agency of this state or a political subdivision thereof that employs a person as a peace officer.*".

Amend the bill as a whole by deleting sec. 5, renumbering sec. 6 as sec. 5 and adding a new section designated sec. 6, following sec. 6, to read as follows:

"Sec. 6. NRS 289.070 is hereby amended to read as follows:

289.070 1. An investigation of a peace officer may be conducted in response to an allegation that an officer has engaged in activities which could result in punitive action.

2. If a person who makes such an allegation against an officer submits to *and passes* a polygraphic examination , [and] the results of [that examination indicate that the person examined is] *which indicate that the person is* telling the truth about the purported activities, the officer against whom the allegation is made must submit to a polygraphic examination concerning such activities. *At least 5 days before the officer submits to a polygraphic*

examination pursuant to this section, the law enforcement agency shall provide to the officer or the representative of the officer all of the information that the agency possesses regarding the polygraphic testimony given by the person who made the allegation against the officer, including, without limitation, legible copies of any statements, documents, charts and other writings that pertain to the testimony. A polygraphic examination of an officer that is conducted pursuant to this subsection must not be conducted by the same person who conducted the polygraphic examination of the person who made the allegation against the officer.

3. If a polygraphic examination is given to an officer pursuant to this section, a sound *recording* or video recording *with audio* must be made *by the law enforcement agency of all parts* of the examination, *including, without limitation,* the preliminary interview and the post-examination interview. *If the law enforcement agency does not record the polygraphic examination of the officer pursuant to this subsection, information, evidence or testimony regarding that examination may not be used in any subsequent investigation, hearing, proceeding or process. At the request of an officer who is required to take a polygraphic examination pursuant to this section, the law enforcement agency shall provide to the officer:*

(a) Usable copies of any sound recordings or video recordings with audio made of his testimony; and

(b) Legible copies of any statements, documents, charts and other writings that pertain to his testimony.

Before the opinion of the examiner regarding the officer's veracity may be considered in [a disciplinary action, all records, documents] *any investigation, hearing, proceeding or other process, all writings, charts* and recordings [resulting from] *that pertain to* the examination , *including, without limitation, the examiner's report of his impressions and opinions of the examination,* must be made available for review by one or more examiners licensed or qualified to be licensed in this state who are acceptable to the law enforcement agency and the officer. If the opinion of the reviewing examiners does not agree with the initial examiner's opinion, the officer must be allowed to be reexamined by an examiner of his choice who is licensed or qualified to be licensed in this state.

4. The opinion of the examiner regarding the officer's veracity may not be considered in a disciplinary action unless the examination was conducted in a manner which complies with the provisions of chapter 648 of NRS. In any event, the law enforcement agency shall not use the examiner's opinion regarding the veracity of the officer as the sole basis for disciplinary action against the officer.

5. If the officer refuses to submit to a polygraphic examination required by this section:

(a) A law enforcement agency may take disciplinary action against that officer; and

(b) An investigator may make a notation of the refusal in his report.

6. Evidence of any refusal by a peace officer to submit to a polygraphic examination required by this section is admissible if introduced by any governmental body or agency in this state at any subsequent hearing, trial or other judicial or administrative proceeding.".

Amend the bill as a whole by deleting sec. 7.

Amend the title of the bill to read as follows: "An Act relating to peace officers; revising provisions regarding the polygraphic examination of a peace officer; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions regarding polygraphic examination of peace officer. (BDR 23-1067)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 618.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 955.

Amend section 1, page 1, line 4, by deleting "*deer*" and inserting "*buck*".

Amend section 1, page 1, line 6, by deleting "*deer*" and inserting "*buck*".

Amend section 1, page 1, by deleting lines 8 through 12 and inserting:

"*(a) A youthful applicant who during each of the immediately preceding 4 years applied for and failed to draw a buck tag.*".

Amend section 1, page 1, line 15, by deleting "*deer*" and inserting "*buck*".

Amend section 1, page 1, line 16, by deleting "*deer*" and inserting "*buck*".

Amend section 1, page 1, line 17, by deleting "*deer*" and inserting "*buck*".

Amend section 1, page 2, line 2, by deleting "*deer*" and inserting "*buck*".

Amend section 1, page 2, line 6, by deleting "*deer*" and inserting "*buck*".

Amend section 1, page 2, line 9, after "*(a)*" by inserting: "*"Buck tag" means a type of deer tag that is issued to a person for hunting deer which have at least one antler.*

(b)".

Amend section 1, page 2, line 11, by deleting "*(b)*" and inserting "*(c)*".

Amend sec. 2, page 2, by deleting line 13 and inserting:

"Sec. 2. This act expires by limitation on October 1, 1999.".

Amend the title of the bill, second line, by deleting "deer tags" and inserting: "buck tags for hunting deer which have at least one antler".

Amend the summary of the bill, first line, by deleting "deer tags" and inserting: "buck tags for hunting certain deer".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 647.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1026.

Amend section 1, page 1, line 3, after "salaries" by inserting: "and operational expenses".

Amend sec. 2, page 1, line 7, by deleting "approval." and inserting: "approval or on June 30, 1997, whichever occurs earlier.".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1018.

Amend the bill as a whole by deleting sections 1 through 16 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The director shall adopt, with the approval of the board, regulations establishing and governing a program, to be carried out within each facility and institution, to prevent an offender from possessing or receiving a publication which is detrimental to his rehabilitation or which has the potential to disrupt security or promote violence or disorder in the facility or institution because the subject matter of the publication:

(a) Is sexually explicit;

(b) Is graphically violent; or

(c) Encourages or glamorizes:

(1) Crime;

(2) The activities of a criminal gang; or

(3) Violence against law enforcement, women, children or members of a particular religion, ethnic group or race.

2. The regulations must provide that if an offender is prohibited from possessing or receiving a publication pursuant to this section, the offender possessing or receiving the publication must be provided with notice of the determination and an opportunity to appeal the determination. An appeal may be summarily denied if the appeal involves a publication that is similar to a publication that previously has been prohibited.

3. The establishment of the program required pursuant to this section does not affect:

(a) The authority of the department to review for any other lawful purpose materials that are possessed or received by an offender, including, but not limited to, publications; or

(b) The procedures established by the department for the review of those materials.

4. The department and its officers, employees and independent contractors are immune from liability for damages arising from an act or omission that allows an offender to possess or receive a publication that is prohibited pursuant to this section.

5. As used in this section:

(a) "Criminal gang" has the meaning ascribed to it in NRS 213.1263.

(b) "Publication" means a book, magazine, newsletter, bulletin, pamphlet or other similar item as determined by the director.

Sec. 2. NRS 212.187 is hereby amended to read as follows:

212.187 1. [It is unlawful for:

(a)] A prisoner who is in lawful custody or confinement [to engage voluntarily] *, other than residential confinement, and who voluntarily engages* in sexual conduct with [a person who has custody of him or an employee of the institution in which he is confined; or

(b)] *another person is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

2. A person who [has custody of a prisoner or who is an employee of an institution in which a prisoner is confined, to engage] voluntarily *engages* in sexual conduct with a prisoner [.

2.] *who is in lawful custody or confinement, other than residential confinement, is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

3. As used in this section, " sexual [conduct means] *conduct":*

(a) Includes acts of masturbation, homosexuality, sexual intercourse or physical contact with [another's] *another person's clothed or* unclothed genitals or pubic area [.] *to arouse, appeal to or gratify the sexual desires of a person.*

(b) Does not include acts of a person who has custody of a prisoner or an employee of the institution in which the prisoner is confined that are performed to carry out the necessary duties of such a person or employee.

Sec. 3. The amendatory provisions of section 2 of this act do not apply to offenses that are committed before October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to offenders; requiring the director of the department of prisons to adopt regulations establishing a program to prevent an offender from possessing or receiving certain publications; prohibiting sexual conduct between an offender and another person under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the first line and inserting: "Summary—Revises provisions relating to offenders in custody or"

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 275.

Bill read second time.

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

Amendment No. 932.

Amend section 1, page 1, by deleting line 4 and inserting: "*employment at one location in this state shall conduct a study to determine the desirability of and need for child care and the feasibility*".

Amend section 1, page 1, line 7, after the semicolon by deleting "*or*".

Amend section 1, page 1, line 9, by deleting "*care,*" and inserting: "*care; or*

(c) Furnishing child care that is accessible to persons with special needs, including, without limitation, persons with disabilities and persons who need child care to be available 24 hours a day or on weekends,".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act expires by limitation on June 30, 1999.".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 953.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 360.291 is hereby amended to read as follows:

360.291 The legislature hereby declares that each taxpayer has the right:

1. To be treated by officers and employees of the department with courtesy, fairness, uniformity, consistency and common sense.

2. To a prompt response from the department to each communication from the taxpayer.

3. To provide the minimum documentation and other information as may reasonably be required by the department to carry out its duties.

4. To written explanations of common errors, oversights and violations that taxpayers experience and instructions on how to avoid such problems.

5. To be informed by the department whenever its officer, employee or agent determines that the taxpayer is entitled to an exemption or has been taxed or assessed more than is required by law.

6. To written instructions indicating how the taxpayer may petition for:

(a) An adjustment of an assessment; or

(b) A refund or credit for overpayment of taxes, interest or penalties.

7. To recover an overpayment of taxes promptly upon the final determination of such an overpayment.

8. To obtain specific advice from the department concerning taxes imposed by the state.

9. In any meeting with the department, including an audit, conference, interview or hearing:

(a) To an explanation by an officer or employee of the department that describes the procedures to be followed and the taxpayer's rights thereunder;

(b) To be represented by himself or anyone who is otherwise authorized by law to represent him before the department;

(c) To make an audio recording using the taxpayer's own equipment and at the taxpayer's own expense; and

(d) To receive a copy of any document or audio recording made by or in the possession of the department relating to the determination or collection of any tax for which the taxpayer is assessed, upon payment of the actual cost to the department of making the copy.

10. To a full explanation of the department's authority to assess a tax or to collect delinquent taxes, including the procedures and notices for review and appeal that are required for the protection of the taxpayer.

11. To the immediate release of any lien which the department has placed on real or personal property for the nonpayment of any tax when:

(a) The tax is paid;

(b) The period of limitation for collecting the tax expires;

(c) The lien is the result of an error by the department;

(d) The department determines that the taxes, interest and penalties are secured sufficiently by a lien on other property;

(e) The release or subordination of the lien will not jeopardize the collection of the taxes, interest and penalties;

(f) The release of the lien will facilitate the collection of the taxes, interest and penalties; or

(g) The department determines that the lien is creating an economic hardship.

12. To the release *or reduction* of a sales tax bond in accordance with applicable statutes and regulations.

13. To be free from investigation and surveillance by an officer, agent or employee of the department for any purpose that is not directly related to the administration of the provisions of this Title.

14. To be free from harassment and intimidation by an officer, agent or employee of the department for any reason.".

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "3, 4 and 5".

Amend sec. 2, page 1, by deleting line 3 and inserting: "Sec. 3. *1. An ordinance adopted by a city or county after July 1,*".

Amend sec. 2, page 1, line 8, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 2, page 1, line 9, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 2, page 1, by deleting lines 11 through 13 and inserting:

"*2. An agenda that proposes such an ordinance must include a statement indicating whether the proposed ordinance establishes a new tax or fee, or increases an existing tax or fee.*".

Amend sec. 4, page 3, line 1, by deleting "*3*" and inserting "*4* ".

Amend sec. 4, page 3, line 6, by deleting "*section 3*" and inserting "*section 4* ".

Amend the bill as a whole by renumbering sec. 5 as sec. 8 and adding new sections designated sections 6 and 7, following sec. 4, to read as follows:

"Sec. 6. NRS 365.210 is hereby amended to read as follows:

365.210 1. No county, city or other political subdivision or municipal corporation may levy or collect any excise, privilege or occupation tax upon or measured by the receipt, storage, sale, distribution, transportation or use of motor vehicle fuel, fuel for jet or turbine-powered aircraft or any other inflammable or combustible liquids except:

(a) The county motor vehicle fuel tax authorized by chapter 373 of NRS.

(b) A tax on fuel for jet or turbine-powered aircraft authorized by NRS 365.203.

(c) Any motor vehicle fuel taxation in effect on January 1, 1935, in any city or town.

[(d) County and city business license taxes where otherwise authorized by law, except as otherwise provided in subsection 2.]

2. After March 25, 1991, no county, city or other political subdivision or municipal corporation responsible for the operation of an airport may impose a new tax or fee upon the sale or distribution of fuel for jet or turbine-powered aircraft except:

(a) A tax on fuel for jet or turbine-powered aircraft authorized by NRS 365.203.

(b) Any fuel flowage fee imposed upon aircraft or organizations servicing aircraft in lieu of rent for use of the terminal, landing fees or other airport charges.

Sec. 7. Section 3 of Senate Bill No. 223 of this session is hereby amended to read as follows:

Sec. 3. NRS 365.210 is hereby amended to read as follows:

365.210 1. No county, city or other political subdivision or municipal corporation may levy or collect any excise, privilege or occupation tax upon or measured by the receipt, storage, sale, distribution, transportation or use of motor vehicle fuel, fuel for jet or turbine-powered aircraft or any other inflammable or combustible liquids except:

(a) The county motor vehicle fuel tax authorized by chapter 373 of NRS.

(b) A tax on fuel for jet or turbine-powered aircraft authorized by NRS 365.203.

(c) *A tax on aviation fuel authorized by NRS 365.203.*

(d) Any motor vehicle fuel taxation in effect on January 1, 1935, in any city or town.

2. After March 25, 1991, no county, city or other political subdivision or municipal corporation responsible for the operation of an airport may impose a new tax or fee upon the sale or distribution of fuel for jet or turbine-powered aircraft except:

(a) A tax on fuel for jet or turbine-powered aircraft authorized by NRS 365.203.

(b) Any fuel flowage fee imposed upon aircraft or organizations servicing aircraft in lieu of rent for use of the terminal, landing fees or other airport charges.".

Amend sec. 5, page 3, line 11, by deleting "3" and inserting "4".

Amend sec. 5, page 3, line 19, by deleting "section 3" and inserting "section 4".

Amend the bill as a whole by adding a new section designated sec. 9, following sec. 5, to read as follows:

"Sec. 9. This act becomes effective on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to taxation; prohibiting a city or county from considering any tax on fuel or retail sales collected by a private enterprise when calculating certain fees and taxes

required to be paid by that enterprise; providing certain rights for the payers of those fees and taxes; making various other changes concerning taxation; and providing other matters properly relating thereto.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Assemblyman Price moved that Senate Bill No. 424 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 665—An Act relating to public employees; making appropriations from the state general fund and the state highway fund to the state board of examiners for increases in the salaries of certain employees of the State of Nevada; increasing the salaries of certain employees; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 262.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 981.

Amend section 1, page 1, line 6, after "*registrants*" by inserting "*and licensees*".

Amend section 1, page 1, line 7, by deleting "*nonregistrants,*" and inserting: "*persons who are not registered or licensed,*".

Amend section 1, page 1, line 8, after "*registered* " by inserting "*or licensed* ".

Amend section 1, page 2, by deleting line 10 and inserting: "*or licensee unless that registrant or licensee is an owner of the business organization or*".

Amend sec. 2, page 2, line 21, after "registered" by inserting "or licensed".

Amend sec. 2, page 2, line 35, after "*registrant* " by inserting "*or licensee*".

Amend sec. 2, page 2, by deleting line 38 and inserting:

"*3. If a person who is not registered or licensed, or a registrant or licensee who is not an owner, and who is employed by*".

Amend sec. 2, page 2, line 42, after "*registrants*" by inserting "*and licensees*".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 5 and 6 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. NRS 623A.250 is hereby amended to read as follows:

623A.250 *1.* A firm, partnership, corporation or association may engage in the practice of landscape architecture if:

[1.] *(a)* All work is under the supervision and direction of a certificate holder;

[2.] *(b)* The name or names of all certificate holders appear in the name of the firm, partnership, corporation or association;

[3.] *(c)* The name of the certificate holder appears on all papers or documents used in the practice of landscape architecture; and

[4.] *(d)* All instruments of service are signed by the certificate holder.

2. Architects, registered interior designers, residential designers, professional engineers and landscape architects may, in accordance with section 1 of this act, join or form a partnership, corporation, limited-liability company or other business organization or association with registrants and licensees outside of their field of practice, or with persons who are not registered or licensed.

Sec. 4. NRS 625.261 is hereby amended to read as follows:

625.261 1. Except as otherwise provided in this section:

(a) A firm, partnership, corporation or other person engaged in or offering to engage in the practice of engineering or land surveying in this state shall employ full time at least one professional engineer or professional land surveyor, respectively, at each place of business where such work is or will be performed; and

(b) All engineering or land-surveying work done at a place of business must be performed under a professional engineer or professional land surveyor, respectively, who has been placed in responsible charge of the work and who is employed full time at that particular place of business.

2. If the only professional engineer or professional land surveyor employed full time at a place of business where engineering or land-surveying work is performed ceases to be employed at that place of business, during the 30 days next following his departure:

(a) The place of business is not required to employ full time a professional engineer or professional land surveyor; and

(b) The professional engineer or professional land surveyor placed in responsible charge of engineering or land-surveying work performed at the place of business is not required to be employed full time at that place of business.

3. Except as otherwise provided in subsection [4:] *5:*

(a) A firm, partnership, corporation or other person who performs or offers to perform engineering services in a certain discipline at a particular place of

business shall employ full time at that place of business a professional engineer licensed in that discipline.

(b) Each person who holds himself out as practicing a certain discipline of engineering must be licensed in that discipline or employ full time a professional engineer licensed in that discipline.

4. *Architects, registered interior designers, residential designers, professional engineers and landscape architects may, in accordance with section 1 of this act, join or form a partnership, corporation, limited-liability company or other business organization or association with registrants and licensees outside of their field of practice, or with persons who are not registered or licensed.*

5. The provisions of this section do not apply to a firm, partnership, corporation or other person who:

(a) Practices professional engineering for his benefit and does not engage in the practice of professional engineering or offer professional engineering services to other persons; or

(b) Is engaged in the practice of professional engineering or land surveying in offices established for limited or temporary purposes, including offices established for the convenience of field survey crews or offices established for inspecting construction.".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 4, to read as follows:

"Sec. 7. Sections 2 and 4 of this act become effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to professions; revising the provisions governing the practice of architects, registered interior designers, residential designers, professional engineers and landscape architects in groups; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing practice of certain professions in groups. (BDR 54-1446)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 476.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1010.

Amend section 1, page 1, line 4, after "*program*" by inserting: "*owned by a local or state apprenticeship committee*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 486.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1013.

Amend sec. 5, page 5, line 19, by deleting "*shall,*" and inserting "*may,*".

Amend sec. 12, page 7, by deleting lines 41 and 42 and inserting: "*pupil as a habitual truant. The pupil and his parents or legal guardian shall attend the meeting*".

Amend sec. 14, page 9, line 12, by deleting "*may*" and inserting "*shall* ".

Amend sec. 23, page 13, line 27, after "for" by inserting: "at least 90 days but".

Amend sec. 23, page 13, by deleting line 29 and inserting: "prohibit the child from receiving a driver's license for at least 90 days but not more than 2".

Amend sec. 23, page 13, line 32, by deleting "apply for" and inserting "receive".

Amend sec. 23, page 13, line 34, by deleting "apply for" and inserting "receive".

Amend sec. 23, page 13, line 41, by deleting "apply for" and inserting "receive".

Amend sec. 26, page 17, by deleting line 1 and inserting: "*The board of county commissioners of each county may, in*".

Amend sec. 26, page 17, by deleting lines 8 through 28.

Amend the bill as a whole by deleting section 27 and adding new sections designated sections 27, 27.3, 27.5 and 27.7, following sec. 26, to read as follows:

"Sec. 27. Section 2 of Assembly Bill No. 39 of this session is hereby amended to read as follows:

Sec. 2. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 and section 1 of this act, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the

court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 17 years of age, order the parent, guardian or custodian of the child, and any brothers, sisters or other persons living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, alone or together with the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution. *The court may use the money in the account established pursuant to subsection 2 to pay for any counseling ordered by the court pursuant to this paragraph if a parent, guardian or custodian of a child demonstrates to the satisfaction of the court that he needs financial assistance to pay for the care and treatment.*

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's

license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit

from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. *If the court finds that a child is a habitual truant and imposes a fine pursuant to paragraph (l), the money collected from the fine must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall, on or before the 15th day of that month, deposit the money in the county general fund for credit to a separate account to support programs to reduce the rate of truancy in the public schools of the county and for use by the court pursuant to paragraph (e) of subsection 1.*

3. If the court places a child in need of supervision under formal supervision and the child violates a condition of that formal supervision, the court may detain the child for not more than 30 days.

4. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

[3.] *5.* In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

[4.] *6.* At any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

[5.] *7.* Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the

administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

[6.] *8.* In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 27.3. Section 1 of Senate Bill No. 207 of this session is hereby amended to read as follows:

Section 1. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 and section 1 of Assembly Bill No. 39 of this session, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction,

to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution. *The court may use the money in the account established pursuant to subsection 2 to pay for any counseling ordered by the court pursuant to this paragraph if a parent, guardian or custodian of a child demonstrates to the satisfaction of the court that he needs financial assistance to pay for the care and treatment.*

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. *If the court finds that a child is a habitual truant and imposes a fine pursuant to paragraph (l), the money collected from the fine must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall, on or before the 15th day of that month, deposit the money in the county general fund for credit to a separate account to support programs to reduce the rate of truancy in the public schools of the county and for use by the court pursuant to paragraph (e) of subsection 1.*

3. *If the court places a child in need of supervision under formal supervision and the child violates a condition of that formal supervision, the court may detain the child for not more than 30 days.*

4. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

[3.] *5.* In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

[4.] *6.* At any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

[5.] *7.* Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

[6.] *8.* In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 27.5. Section 11 of Senate Bill No. 102 of this session is hereby amended to read as follows:

Sec. 11. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 and section 1 of Assembly Bill No. 39 of this session, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a

family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction,

to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution. *The court may use the money in the account established pursuant to subsection 2 to pay for any counseling ordered by the court pursuant to this paragraph if a parent, guardian or custodian of a child demonstrates to the satisfaction of the court that he needs financial assistance to pay for the care and treatment.*

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. *If the court finds that a child is a habitual truant and imposes a fine pursuant to paragraph (l), the money collected from the fine must be*

paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall, on or before the 15th day of that month, deposit the money in the county general fund for credit to a separate account to support programs to reduce the rate of truancy in the public schools of the county and for use by the court pursuant to paragraph (e) of subsection 1.

3. If the court places a child in need of supervision under formal supervision and the child violates a condition of that formal supervision, the court may detain the child for not more than 30 days.

4. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

[3.] *5.* In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

[4.] *6.* Except as otherwise provided in section 7 of this act, at any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

[5.] *7.* Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

[6.] *8.* In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the

third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 27.7. Section 1 of Senate Bill No. 277 of this session is hereby amended to read as follows:

Section 1. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 and section 1 of Assembly Bill No. 39 of this session, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction,

to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution. *The court may use the money in the account established pursuant to subsection 2 to pay for any counseling ordered by the court pursuant to this paragraph if a parent, guardian or custodian of a child*

demonstrates to the satisfaction of the court that he needs financial assistance to pay for the care and treatment.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

(m) If the child has not previously been found to be within the purview of this chapter and if the act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or violence, order the child to participate in a publicly or privately operated program of sports or physical fitness. If the court orders the child to participate in such a program, the court may order any or all of the following, in the following order of priority if practicable:

(1) The parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;

(2) The child to work on projects or perform public service pursuant to paragraph (i) for a period that reflects the costs associated with the participation of the child in the program; or

(3) The county in which the petition alleging the child to be delinquent or in need of supervision is filed to pay the costs associated with the participation of the child in the program.

2. *If the court finds that a child is a habitual truant and imposes a fine pursuant to paragraph (l), the money collected from the fine must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer*

shall, on or before the 15th day of that month, deposit the money in the county general fund for credit to a separate account to support programs to reduce the rate of truancy in the public schools of the county and for use by the court pursuant to paragraph (e) of subsection 1.

3. If the court places a child in need of supervision under formal supervision and the child violates a condition of that formal supervision, the court may detain the child for not more than 30 days.

4. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

[3.] *5.* In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

[4.] *6.* Except as otherwise provided in section 7 of Senate Bill No. 102 of this session, at any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

[5.] *7.* Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

[6.] *8.* In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the

third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.".

Amend the bill as a whole by deleting sections 28 and 29 and inserting:

"Secs. 28 and 29. (Deleted by amendment).".

Amend sec. 32, page 22, line 13, after "effective" by inserting: "at 12:01 a.m.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "attendance; making an appropriation; and providing other matters".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 578.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 984.

Amend sec. 3, page 2, by deleting lines 1 through 3 and inserting:

"Sec. 3. *1. The commissioner shall deliver to the secretary of state a copy of an order of the commissioner or of the district court prohibiting an insurer from transacting insurance in this state as a corporation, limited-liability company, limited partnership or limited-liability partnership.*

2. Upon receiving the order, the secretary of state shall revoke the charter of the corporation or limited-liability company or the certificate of the limited partnership or limited-liability partnership.

3. The secretary of state shall not accept for filing a document with the same name as a corporation, limited-liability company, limited partnership or limited-liability partnership whose charter or certificate has been revoked.".

Amend the bill as a whole by adding new sections designated sections 22.2 and 22.4, following sec. 22, to read as follows:

"Sec. 22.2. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer offering an umbrella policy to an individual shall obtain a signed disclosure statement from the individual indicating whether the umbrella policy includes uninsured or underinsured vehicle coverage.

2. The disclosure statement must be on a form provided by the commissioner or in substantially the following form:

UMBRELLA POLICY DISCLOSURE STATEMENT

UNINSURED/UNDERINSURED VEHICLE COVERAGE

Your Umbrella Policy does provide coverage in excess of the limits of the uninsured/underinsured vehicle coverage in your primary auto insurance only if the requirements for the uninsured/underinsured vehicle coverage in your primary auto insurance are met and maintained. The minimumuninsured/underinsured vehicle coverage in your primary auto insurance policy is $..... The limits of the uninsured/underinsured vehicle coverage in your umbrella policy are $.....

I understand and acknowledge the above disclosure.

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Insured *Date*

*Your Umbrella Liability Policy **does not provide** any uninsured/underinsured vehicle coverage, either in primary coverage or in excess of primary coverage.*

I understand and acknowledge the above disclosure.

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Insured *Date*

3. As used in this section, "umbrella policy" means a policy that protects a person against losses in excess of the amount covered by other policies.

Sec. 22.4. NRS 687B.145 is hereby amended to read as follows:

687B.145 1. Any policy of insurance or endorsement providing coverage under the provisions of NRS 690B.020 or other policy of casualty insurance may provide that if the insured has coverage available to him under more than one policy or provision of coverage, any recovery or benefits may equal but not exceed the higher of the applicable limits of the respective coverages, and the recovery or benefits must be prorated between the applicable coverages in the proportion that their respective limits bear to the aggregate of their limits. Any provision which limits benefits pursuant to this section must be in clear language and be prominently displayed in the policy, binder or endorsement. Any limiting provision is void if the named insured has purchased separate coverage on the same risk and has paid a premium calculated for full reimbursement under that coverage.

2. [Insurance] *Except as otherwise provided in subsection 5, insurance* companies transacting motor vehicle insurance in this state must offer, on a form approved by the commissioner, uninsured and underinsured vehicle coverage in an amount equal to the limits of coverage for bodily injury sold to an insured under a policy of insurance covering the use of a passenger car. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. Uninsured and underinsured vehicle coverage must include a provision which enables

the insured to recover up to the limits of his own coverage any amount of damages for bodily injury from his insurer which he is legally entitled to recover from the owner or operator of the other vehicle to the extent that those damages exceed the limits of the coverage for bodily injury carried by that owner or operator.

3. An insurance company transacting motor vehicle insurance in this state must offer an insured under a policy covering the use of a passenger car, the option of purchasing coverage in an amount of at least $1,000 for the payment of reasonable and necessary medical expenses resulting from an accident. The offer must be made on a form approved by the commissioner. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage.

4. An insurer who makes a payment to an injured person on account of underinsured vehicle coverage as described in subsection 2 is not entitled to subrogation against the underinsured motorist who is liable for damages to the injured payee. This subsection does not affect the right or remedy of an insurer under subsection 5 of NRS 690B.020 with respect to uninsured vehicle coverage. As used in this subsection, "damages" means the amount for which the underinsured motorist is alleged to be liable to the claimant in excess of the limits of bodily injury coverage set by the underinsured motorist's policy of casualty insurance.

5. *An insurer need not offer, provide or make available uninsured or underinsured vehicle coverage in connection with a general commercial liability policy, an excess policy, an umbrella policy or other policy that does not provide primary motor vehicle insurance for liabilities arising out of the ownership, maintenance, operation or use of a specifically insured motor vehicle.*

6. As used in this section ["passenger] *:*

(a) "Excess policy" means a policy that protects a person against loss in excess of a stated amount or in excess of coverage provided pursuant to another insurance contract.

(b) "Passenger car" has the meaning ascribed to it in NRS 482.087.

(c) "Umbrella policy" means a policy that protects a person against losses in excess of the amount covered by other policies.".

Amend the bill as a whole by deleting sec. 36 and adding a new section designated sec. 36, following sec. 35, to read as follows:

"Sec. 36. Section 21 of Assembly Bill No. 156 of this session is hereby amended to read as follows:

Sec. 21. 1. In addition to any other report which is required to be filed with the commissioner or the state board of health, each managed care organization shall file with the commissioner and the state board of

health, on or before March 1 of each year, a report regarding its methods for reviewing the quality of health care services provided to its insureds.

2. Each managed care organization shall include in its report the criteria, data, benchmarks or studies used to:

(a) Assess the nature, scope, quality and staffing *accessibility* of health care services provided to insureds; or

(b) Determine any reduction or modification of the provision of health care services to insureds.

3. Except as already required to be filed with the commissioner or the state board of health, if the managed care organization is not owned and operated by a public entity and has more than 100 insureds, the report filed pursuant to subsection 1 must include:

(a) A copy of all of its quarterly and annual financial reports;

(b) A statement of any financial interest it has in any other business which is related to health care that is greater than 5 percent of that business or $5,000, whichever is less; and

(c) A description of each complaint filed with or against it that resulted in arbitration, a lawsuit or other legal proceeding, unless disclosure is prohibited by law or a court order.

4. A report filed pursuant to this section must be made available for public inspection within a reasonable time after it is received by the commissioner.".

Amend the bill as a whole by adding a new section designated sec. 39, following sec. 38, to read as follows:

"Sec. 39. Section 36 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill, second line, after the semicolon by inserting: "prohibiting an insurer from transacting insurance in this state as a corporation, limited-liability company, limited partnership or limited-liability partnership; providing that an insurer need not offer, provide or make available uninsured or underinsured vehicle coverage in certain circumstances;".

Assemblyman Arberry moved that Assembly Bill No. 578 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 586.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Assembly Bill No. 586:

YEAS — 42.

NAYS — None.

Assembly Bill No. 586 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 642.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 642:

YEAS — 42.

NAYS — None.

Assembly Bill No. 642 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 646.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 646:

YEAS — 42.

NAYS — None.

Assembly Bill No. 646 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 650.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 650:

YEAS — 42.

NAYS — None.

Assembly Bill No. 650 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Senate Bill No. 36:

YEAS — 42.

NAYS — None.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 181:

YEAS — 42.

NAYS — None.

Senate Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 197.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 197:

YEAS — 42.

NAYS — None.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 290.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 290:

YEAS — 42.

NAYS — None.

Senate Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 414.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Senate Bill No. 414:

YEAS — 40.

NAYS — None.

Not voting — Lambert, Sandoval — 2.

Senate Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 13.

The following Senate amendment was read:

Amendment No. 813.

Amend sec. 3, page 1, line 8, by deleting "*or* ".

Amend sec. 3, page 1, line 11, by deleting "*Medicaid.*" and inserting: "*Medicaid; and*

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.".

Amend sec. 3, page 1, by deleting line 13 and inserting: "*health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the*".

Amend sec. 3, page 1, line 15, after "*2.*" by inserting: "*During the development and implementation of any Medicaid managed care program, the department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.*

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4.".

Amend the title of the bill, third line, after "care;" by inserting: "requiring the department of human resources to include the University of Nevada School of Medicine in the development and implementation of any Medicaid managed care program;".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 13.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered enrolled.

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

Motion carried.

Assembly in recess at 5:56 p.m.

ASSEMBLY IN SESSION

At 7:10 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 644, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 476, 487.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 476.

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

Motion carried.

Senate Bill No. 487.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 665, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 486, 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 480 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 651 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 665.

Bill read third time.

Remarks by Assemblymen Arberry and Koivisto.

Conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 665:

YEAS — 41.

NAYS — None.

Not voting — Koivisto.

Assembly Bill No. 665 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 486.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 486:

YEAS — 42.

NAYS — None.

Senate Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 487.

Bill read third time.

Remarks by Assemblymen Evans and Giunchigliani.

Potential conflicts of interest declared by Assemblymen Anderson, Bache and Giunchigliani.

Roll call on Senate Bill No. 487:

YEAS — 42.

NAYS — None.

Senate Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 564 be re-referred to the Committee on Ways and Means after reprint.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 428 be taken from the General File and placed on General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 336, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be receded from.

DARIO HERRERA	ERNEST E. ADLER
ELLEN M. KOIVISTO	MIKE MCGINNESS
MERLE BERMAN	MAURICE WASHINGTON
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Herrera moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 336.

Remarks by Assemblyman Herrera.

Motion carried.

Mr. Speaker:

The second Committee on Conference concerning Assembly Bill No. 15, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

BARBARA BUCKLEY	WILLIAM O'DONNELL
BERNIE ANDERSON	RAYMOND C. SHAFFER
BRIAN SANDOVAL	JON C. PORTER
Assembly Committee on Conference	*Senate Committee on Conference*

Amendment No. 4.

Amend section 1, page 1, line 5, by deleting: "*a security guard,*" and inserting: "*an employee of a pedestrian mall,*".

Amend section 1, page 1, line 14, by deleting "*security guard* " and inserting: "*employee of a pedestrian mall* ".

Amend section 1, page 1, by deleting lines 18 through 20 and inserting:

"*3. As used in this section, "pedestrian mall" has the meaning ascribed to it in NRS 268.811.*".

Assemblywoman Buckley moved to adopt the report of the second Committee on Conference concerning Assembly Bill No. 15.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker:

The second Committee on Conference concerning Senate Bill No. 128, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

BERNIE ANDERSON
DARIO HERRERA
Assembly Committee on Conference

LAWRENCE E. JACOBSEN
MAURICE WASHINGTON
Senate Committee on Conference

Assemblyman Anderson moved to adopt the report of the second Committee on Conference concerning Senate Bill No. 128.

Remarks by Assemblyman Anderson.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 12, 36, 216, 217, 218, 220, 294, 299, 355, 440, 448; Assembly Concurrent Resolutions Nos. 52, 53, 54; Senate Bills Nos. 137, 172, 177, 180, 183, 184, 185, 186, 248, 417; Senate Joint Resolution No. 13; Senate Concurrent Resolution No. 59.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Amodei, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Williamson and Ryanne Amodei.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Halley Clark.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to James Turman and Mrs. Turman.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Brady.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, July 1, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 7:31 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-THIRD DAY

CARSON CITY (Tuesday), July 1, 1997

Assembly called to order at 10:57 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

O God, we thank You for Your mercies and Your steadfast love that endures forever. When we are too weak to cry out, You call to us. When we can't find the energy to stand, You reach out and pull us up. When the pressures of the world and everyday life close in around us, You provide us with a source of strength and courage to continue Your work here on earth. Thank You for the privilege to call upon You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 262, 349, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 664; Senate Bills Nos. 281, 317, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 325, 331, 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 221, 222, 242, 260, 270, 279, 515, 606, 626.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 204, 266, 470, 523 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 393.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 336.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Rhoads and Schneider as a first Committee on Conference concerning Senate Bill No. 167.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 318; Senate Bills Nos. 325, 402 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 173, 252, 262, 265, 286, 320, 346, 415, 429, 455, 465, 474, 476, 486, 499, 552, 582, 618, 630, 641, 647; Assembly Joint Resolution No. 14; Senate Bills Nos. 58, 113, 150, 251, 275, 328, 341 be placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 393.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 12:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 127 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblymen Perkins and Humke.

Assemblymen Humke, Hettrick and Ernaut requested a roll call on Assemblyman Perkins' motion.

Roll call on Assemblyman Perkins' motion:

YEAS — 4.

NAYS — Amodei, Arberry, Bache, Berman, Braunlin, Buckley, Carpenter, Cegavske, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Herrera, Hettrick, Hickey, Humke, Koivisto, Lambert, Lee, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Sandoval, Segerblom, Tiffany, Von Tobel, Williams — 37.

Absent— Price.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 61.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 61.

Assemblyman Goldwater moved the adoption of the resolution.

Remarks by Assemblyman Goldwater.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 371.

Bill read second time.

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

Amendment No. 957.

Amend the bill as a whole by deleting sections 1 through 8 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 278.583 is hereby amended to read as follows:

278.583 1. After January 1, 1974, any construction, alteration or change in the use of a building or other structure in this state by any person, firm, association or corporation, whether public or private, must be in compliance with the technical provisions of the National Electrical Code of the National Fire Protection Association in the form most recently [adopted by that association before January 1, 1985.] *approved by the governing body of the city or county in which the building or other structure is located. The governing body of each city or county shall review each edition of the National Electrical Code that is published by the National Fire Protection Association after the 1996 edition to ensure its suitability for that city or county. Each new edition of the code shall be deemed approved by the governing body of each city or county unless the edition is disapproved by that governing body within 60 days after the date of publication by the National Fire Protection Association.*

2. Any city or county within the state may adopt such modifications of the code as are deemed reasonably necessary, if such modifications do not reduce the standards established in the code.".

Amend the title of the bill to read as follows: "An Act relating to construction; requiring that all construction, alteration or change in the use of a building or other structure in this state be in compliance with the edition of the National Electrical Code most recently approved by the governing body of the city or county in which the building or other structure is located; requiring the governing body of a city or county to review each new edition of the National Electrical Code for suitability for that city or county; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Requires construction, alteration or change in use of building or structure in this state to be in compliance with edition of National Electrical Code most recently approved by governing body of city or county in which building or structure is located. (BDR 22-1059)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 644.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1009.

Amend the bill as a whole by deleting sec. 6 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. *Except as otherwise provided in NRS 360.250 and except for information required to be transmitted to the department, each county assessor shall, at the request of a taxpayer, keep any proprietary information concerning the taxpayer received pursuant to this chapter confidential.*".

Amend sec. 7, page 3, line 17, after "*tax*" by inserting: "*that is assessed by the county treasurer or county assessor and that is*".

Amend sec. 10, page 5, line 7, by deleting: "*and used for the purposes of*".

Amend sec. 10, page 5, line 8, by deleting "airport;" and inserting: "[airport;] *airport, unless the property owned by the public airport is not located upon the public airport and the property is leased, loaned or otherwise made available for purposes other than for the purposes of a public airport, including, without limitation, residential, commercial or industrial purposes.*".

Amend sec. 11, page 6, by deleting sec. 11 and inserting:

"Sec. 11. (Deleted by amendment.)".

Amend sec. 14, page 8, line 32, by deleting the open bracket.

Amend sec. 14, page 8, line 35, by deleting the closed bracket.

Amend sec. 15, page 9, between lines 24 and 25, by inserting:

"*3. Any information received by the county assessor pursuant to this section must be protected from disclosure in the same manner that the information is protected by the agency or entity from which the assessor received the information.*".

Amend sec. 22, page 15, by deleting sec. 22 and inserting:

"Sec. 22. (Deleted by amendment.)".

Amend sec. 39, page 21, line 40, by deleting "*;* [.]" and inserting: "[.] *; and*".

Amend sec. 39, page 21, line 43, by deleting: "[.] *; and* " and inserting: "[.] *and that the full amount of any deferred property taxes for the conversion of the property from agricultural use has been paid pursuant to NRS 361A.265.*".

Amend sec. 39, page 22, by deleting lines 1 through 4.

Amend sec. 44, page 25, by deleting lines 40 through 42 and inserting: "*county in which it is located. A dealer who sells a new manufactured* ".

Amend sec. 44, page 26, by deleting lines 15 through 19.

Amend sec. 45, pages 26 and 27, by deleting sec. 45 and inserting:

"Sec. 45. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 49 and 50 and adding new sections designated sections 49 and 50, following sec. 48, to read as follows:

"Sec. 49. 1. NRS 360.410 is hereby repealed.

2. NRS 361.153 is hereby repealed.

Sec. 50. 1. This section and sections 1 to 15, inclusive, 17 to 43, inclusive, 45 to 48, inclusive, and subsection 2 of section 49 of this act become effective on July 1, 1997.

2. Subsection 1 of section 49 of this act becomes effective at 12:01 a.m. on July 1, 1997.

3. Section 44 of this act becomes effective on October 1, 1997.

4. Section 16 of this act becomes effective on July 1, 1998.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 318.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 853.

Amend sec. 2, page 1, by deleting lines 13 through 15 and inserting:

"(a) *In the case of a home, vehicle or structure in excess of 120 inches in width but not exceeding 168 inches in width:*

(1) Appendages which must not extend beyond 3 inches on either side; and

[(b)] *(2)* Roof eaves which, in total of both sides, must not extend more than 24 inches.

(b) In the case of a home, vehicle or structure in excess of 168 inches in width but not exceeding 192 inches in width:

(1) Appendages which must not extend beyond 3 inches on either side; and

(2) Roof eaves which, in total of both sides, must not extend more than 12 inches and must not extend more than 6 inches on the side of the home, vehicle or structure that coincides with the left side of the vehicle on which it is being moved.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning and Freeman.

Assemblywoman Chowning moved that Assembly Bill No. 318 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1039.

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. *An association may not apply any assessment, fee or other charge that is paid by a unit's owner toward a fine imposed by the association against the unit's owner.*".

Amend sec. 17, page 12, by deleting lines 30 through 37 and inserting: "*association, unless the violation is of a type that threatens the health and welfare of the residents of the common-interest community.*".

Amend sec. 22, page 16, line 2, by deleting "*116.3104,*" and inserting "*116.31034,*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 325.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1034.

Amend the bill as a whole by deleting sections 78 and 79 and inserting:

"Secs. 78 and 79. (Deleted by amendment.)".

Amend sec. 92, page 44, line 19, before "*guilty or* " by inserting "*nolo contendere,*".

Amend sec. 100, page 67, line 32, by deleting "78, 79,".

Amend the title of the bill by deleting the eleventh and twelfth lines and inserting: "probation and parole be imposed upon certain sex offenders; expanding the provisions".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1035.

Amend sec. 11, page 9, by deleting lines 9 and 10 and inserting:

"*1. A court or an agency of a local government may organize or sponsor one or more multidisciplinary teams to review the death*".

Amend sec. 11, page 9, by deleting lines 12 and 13 and inserting: "*33.018.*

2. If a multidisciplinary team is organized or sponsored pursuant to subsection 1, the court or agency shall review the death".

Amend sec. 11, page 9, line 14, by deleting "*such*".

Amend sec. 11, page 9, line 16, before "*agency*" by inserting "*court or*".

Amend sec. 11, page 9, by deleting lines 17 through 20 and inserting:

"*3. Members of a team that is organized or sponsored pursuant to subsection 1 serve at the pleasure of the court or agency that organizes or sponsors the team and must include, without limitation, representatives of organizations concerned with law enforcement, issues related to physical or mental health, or the prevention of domestic violence and assistance to victims of domestic violence.*".

Amend sec. 11, page 9, line 21, by deleting "*3.*" and inserting "*4.*".

Amend sec. 11, page 9, line 25, after "*review.*" by inserting: "*Any information shared by an organization with other members of a team is confidential.*

5. A team organized pursuant to this section may, upon request, provide a report concerning its review to a person related to the victim within the third degree of consanguinity.".

Amend sec. 11, page 9, line 26, by deleting "*4.*" and inserting "*6.*".

Amend sec. 11, page 9, line 27, after "*section,*" by inserting: "*a court or* ".

Amend sec. 11, page 9, between lines 28 and 29, by inserting:

"*7. A team organized pursuant to this section may, if appropriate, meet with a multidisciplinary team to review the death of a child organized pursuant to NRS 432B.405.*".

Amend sec. 11, page 9, line 29, by deleting "*5.*" and inserting "*8.*".

Amend sec. 11, page 9, line 32, by deleting "*6.*" and inserting "*9.*".

Amend sec. 11, page 9, by deleting lines 34 through 38.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 661, 662; Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Education:

Assembly Resolution No. 17—Amending the Standing Rules of the Assembly by adding additional members to the Standing Committee on Education.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Rule No. 40 of the Standing Rules of the Assembly as adopted for the 69th session of the Legislature is hereby amended to read as follows:

40

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fifteen members.
2. Judiciary, fourteen members.
3. Taxation, eleven members.
4. Education, [eleven] *thirteen* members.
5. Elections, Procedures, and Ethics, nine members.
6. Natural Resources, Agriculture, and Mining, eleven members.
7. Labor and Management, nine members.
8. Transportation, nine members.
9. Commerce, eleven members.
10. Health and Human Services, ten members.
11. Government Affairs, fourteen members.
12. Infrastructure, eleven members.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblyman Williams.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 664.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 664:

YEAS — 42.

NAYS — None.

Assembly Bill No. 664 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblywoman Lambert.

Roll call on Assembly Bill No. 173:

YEAS — 42.

NAYS — None.

Assembly Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 252:

YEAS — 42.

NAYS — None.

Assembly Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 262:

YEAS — 42.

NAYS — None.

Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 265.

Bill read third time.

Remarks by Assemblymen Arberry and Chowning.

Roll call on Assembly Bill No. 265:

YEAS — 42.

NAYS — None.

Assembly Bill No. 265 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 286:

YEAS — 42.

NAYS — None.

Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblymen Gustavson, Freeman, Chowning, Collins, Ernaut and Evans.

Roll call on Assembly Bill No. 320:

YEAS — 30.

NAYS — Buckley, Chowning, Evans, Freeman, Goldwater, Koivisto, Krenzer, Nolan, Ohrenschall, Perkins, Segerblom, Williams — 12.

Assembly Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 346:

YEAS — 42.

NAYS — None.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Assembly Bill No. 415:

YEAS — 41.

NAYS — Herrera.

Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 429:

YEAS — 42.

NAYS — None.

Assembly Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 455:

YEAS — 41.

NAYS — None.

Not voting — Parks.

Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 465:
YEAS — 42.
NAYS — None.
Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 474.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 474:
YEAS — 42.
NAYS — None.
Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 476.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 476:
YEAS — 42.
NAYS — None.
Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 486.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 486:
YEAS — 42.
NAYS — None.
Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 499.
Bill read third time.
Remarks by Assemblymen Berman, Goldwater and Collins.

Roll call on Assembly Bill No. 499:

YEAS — 18.

NAYS — Anderson, Arberry, Bache, Braunlin, Buckley, Cegavske, Close, de Braga, Evans, Freeman, Goldwater, Gustavson, Herrera, Humke, Koivisto, Krenzer, Lambert, Manendo, Mortenson, Ohrenschall, Perkins, Price, Sandoval — 23.

Not voting — Parks.

Assembly Bill No. 499 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 499 was this day refused passage.

Remarks by Assemblyman Price.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 552.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 552:

YEAS — 42.

NAYS — None.

Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 582.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Assembly Bill No. 582:

YEAS — 41.

NAYS — None.

Not voting — Perkins.

Assembly Bill No. 582 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 618.

Bill read third time.

Remarks by Assemblymen Carpenter, Giunchigliani, Segerblom and Price.

Roll call on Assembly Bill No. 618:

YEAS — 42.

NAYS — None.

Assembly Bill No. 618 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 630.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Assembly Bill No. 630:

YEAS — 42.

NAYS — None.

Assembly Bill No. 630 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 641.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 641:

YEAS — 42.

NAYS — None.

Assembly Bill No. 641 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 647.

Bill read third time.

Remarks by Assemblywoman Von Tobel.

Roll call on Assembly Bill No. 647:

YEAS — 42.

NAYS — None.

Assembly Bill No. 647 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblymen Close and Buckley.

Roll call on Assembly Joint Resolution No. 14:

YEAS — 40.

NAYS — Buckley, Giunchigliani — 2.

Assembly Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 661.
Bill read third time.
Remarks by Assemblywoman Von Tobel.
Roll call on Assembly Bill No. 661:
YEAS — 42.
NAYS — None.
Assembly Bill No. 661 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 662.
Bill read third time.
Remarks by Assemblyman Close.
Roll call on Assembly Bill No. 662:
YEAS — 42.
NAYS — None.
Assembly Bill No. 662 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 127.
Bill read third time.
The following amendment was proposed by Assemblyman Bache:
Amendment No. 1060.
Amend section 1, page 1, line 12, after "*section.*" by inserting: "*If the governor does not appoint one or more of the five members from the nominations submitted pursuant to this subsection, the county advisory board shall submit a new list of nominations.*".
Assemblyman Bache withdrew the amendment.
Remarks by Assemblyman Humke.
Roll call on Senate Bill No. 127:
YEAS — 42.
NAYS — None.
Senate Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 428.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Senate Bill No. 428:
YEAS — 42.
NAYS — None.

Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 262:

YEAS — 42.

NAYS — None.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Senate Bill No. 15 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Carpenter.

Motion lost.

Assemblyman Humke moved that Senate Bill No. 398 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 275.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Senate Bill No. 275:

YEAS — 33.

NAYS — Amodei, Braunlin, Carpenter, Cegavske, Close, Gustavson, Hickey, Humke, Sandoval — 9.

Senate Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Senate Bill No. 281:

YEAS — 42.

NAYS — None.

Senate Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 317.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 317:

YEAS — 40.

NAYS — Herrera.

Not voting — Dini.

Senate Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 349.

Bill read third time.

Remarks by Assemblymen Hickey, Bache, Carpenter and Price.

Roll call on Senate Bill No. 349:

YEAS — 38.

NAYS — Bache, Collins, Giunchigliani, Perkins — 4.

Senate Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 449.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 449:

YEAS — 42.

NAYS — None.

Senate Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 473:

YEAS — 42.

NAYS — None.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 58.
Bill read third time.
Remarks by Assemblyman Collins.
Assemblyman Collins moved that Senate Bill No. 58 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Senate Bill No. 113.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Ernaut.
Roll call on Senate Bill No. 113:
YEAS — 42.
NAYS — None.
Senate Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 150.
Bill read third time.
Remarks by Assemblymen Buckley and Collins.
Roll call on Senate Bill No. 150:
YEAS — 41.
NAYS — Collins.
Senate Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 328 be placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 251.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Senate Bill No. 251:
YEAS — 42.
NAYS — None.
Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

Remarks by Assemblymen Parks, Carpenter and Chowning.

Assemblywoman Chowning moved that Senate Bill No. 341 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblymen Close, Buckley, Evans, Goldwater and Carpenter.

Roll call on Senate Joint Resolution No. 12:

YEAS — 30.

NAYS — Anderson, Berman, Braunlin, Buckley, Carpenter, Collins, Goldwater, Gustavson, Herrera, Lambert, Lee, Ohrenschall — 12.

Senate Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 398.

Bill read third time.

Remarks by Assemblywoman de Braga.

Roll call on Senate Bill No. 398:

YEAS — 42.

NAYS — None.

Senate Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 328.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1069.

Amend sec. 7.2, page 6, line 13, by deleting: "4 and 5," and inserting: "4, 5 and 6,".

Amend sec. 7.2, page 6, between lines 29 and 30, by inserting:

"6. If the department incurs costs related to state property that has been willfully damaged, destroyed or lost or incurs costs related to medical examination, diagnosis or treatment for an injury to an offender, the director may authorize the state controller to transfer money from the offenders' store fund to the appropriate account in the state general fund to repay or defray those costs if:

(a) The director has reason to believe that an offender caused the damage, destruction, loss or injury; and

(b) The identity of the offender is unknown or cannot be determined by the director with reasonable certainty.

The state controller shall make the transfer if authorized by the director. Any money transferred must be accounted for separately. If the identity of the offender is determined after money has been transferred, the director shall cause the offenders' store fund to be reimbursed from the offender's individual account in the prisoners' personal property fund, as money becomes available.".

Amend sec. 7.2, page 6, line 30, by deleting "*6.*" and inserting "*7.*".

Amend sec. 7.2, page 6, by deleting line 39 and inserting: "*8. The statement required by subsection 7 must also authorize the*".

Amend sec. 7.2, page 7, line 3, by deleting "*8.*" and inserting "*9.*".

Amend sec. 7.2, page 7, line 6, by deleting "*9.*" and inserting "*10.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 30, 65, 150, 188, 205, 350, 367, 374, 387, 407, 409, 557, 583, 594, 599, 600, 601.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 20.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 25.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 478, 489, 490.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 478.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 489.

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

Motion carried.

Senate Bill No. 490.

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

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 470.

The following Senate amendment was read:

Amendment No. 874.

Amend the bill as a whole by deleting section 1, renumbering sections 2 and 3 as sections 4 and 5, and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 502 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. The commission shall adopt regulations to establish a program pursuant to which the division will issue special incentive elk tags. The regulations must:*

(a) Set forth the application and annual review processes for the issuance of special incentive elk tags.

(b) Require that an application for a special incentive elk tag be accompanied by:

(1) The fee charged for an elk tag pursuant to NRS 502.250; and

(2) Any administrative fee charged in connection with the issuance of an elk tag pursuant to this chapter.

(c) Provide for the issuance of a special incentive elk tag only to a person who:

(1) Lawfully owns, leases or manages private land within an actual elk use area; and

(2) If that private land blocks reasonable access to adjacent public land, provides reasonable access through the private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.

(d) Establish criteria for the issuance of special incentive elk tags based upon:

(1) The percentage of private land controlled by the applicant;

(2) The portion of the population of elk above the target level for elk established by the land management agency; and

(3) Limiting the number of special incentive elk tags issued in each calendar year to not more than one-half of the bull elk tags issued in that calendar year,

within the actual elk use area in the unit or units of the management area or areas in which the private land is located.

(e) Provide that special incentive elk tags are valid for both sexes of elk.

(f) Prohibit a person who has, within a particular calendar year, applied for or received compensation pursuant to NRS 504.165 as reimbursement for damage caused by elk to private land from applying, within the same calendar year, for a special incentive elk tag for the same private land.

(g) Allow a group of owners, lessees and managers of private land to qualify for a special incentive elk tag for their combined lands.

(h) Ensure that the issuance of special incentive elk tags will not result in the number of bull elk tags issued in any year being reduced to a number below the quota for bull elk tags established by the commission for 1997.

(i) Provide that a person to whom a special incentive elk tag is issued by the commission pursuant to this section may:

(1) If he holds a valid hunting license issued by this state, use the special incentive elk tag himself; or

(2) Sell the special incentive elk tag to another person who holds a valid hunting license issued by this state at any price upon which the parties mutually agree.

(j) Require that a person who is issued a special incentive elk tag hunt:

(1) During the open season for elk.

(2) In the unit or units within the management area or areas in which the private land is located.

(k) Provide for the appointment of an arbitration panel to resolve disputes between persons who apply for special incentive elk tags and the division regarding the issuance of such tags.

2. As used in this section, "actual elk use area" means an area in which elk live, as identified and designated by the division.

Sec. 3. *1. The commission may adopt regulations establishing a program pursuant to which the division may issue special incentive deer tags to owners, lessees and managers of private land in this state for use on the private land of such owners, lessees or managers.*

2. The regulations must:

(a) Require that the owner, lessee or manager who is lawfully in control of private land must, before he is issued a special incentive deer tag:

(1) Allow the hunting and viewing of wildlife on his land by the general public; or

(2) Enter into a cooperative agreement with the division to improve deer or other wildlife habitat on his land.

(b) Allow the owner, lessee or manager to sell any special incentive deer tag that he is issued pursuant to the program.".

Amend the title of the bill, second line, after "tags;" by inserting: "authorizing the board to adopt regulations establishing a program for the issuance of special incentive deer tags;".

Amend the summary of the bill to read as follows: "Summary—Makes changes concerning special incentive tags for certain wildlife. (BDR 45-1470)".

Assemblywoman de Braga moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 470.

Remarks by Assemblywoman de Braga.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 556.

The following Senate amendment was read:

Amendment No. 844.

Amend sec. 2, page 2, line 1, by deleting the italicized semicolon and inserting: ", *except when an owner of a unit in the time-share project who has a right to use or occupy the unit is occupying the unit pursuant to a time-share instrument as defined in NRS 119A.150;*".

Amend sec. 2, page 2, line 25, by deleting the italicized semicolon and inserting: ", *except when an owner of a unit in the time-share project who has a right to use or occupy the unit is occupying the unit pursuant to a time-share instrument as defined in NRS 119A.150;*".

Assemblywoman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 556.

Remarks by Assemblywoman Lambert.

Motion carried.

Bill ordered enrolled.

Assemblyman Perkins moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 2:02 p.m.

ASSEMBLY IN SESSION

At 4:57 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 541, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 632, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Assembly Bill No. 15.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 56.

Resolution read.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblyman Perkins moved that Assembly Bill No. 632; Senate Bills Nos. 331, 368, 446 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 183, 371, 584 be placed on the General File.

Motion carried.

Assemblyman Bache moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 5:02 p.m.

ASSEMBLY IN SESSION

At 5:24 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 632.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 921.

Amend section 1, page 1, by deleting line 12 and inserting:

"(a) Appoint the director.".

Amend section 1, page 1, line 15, after "*auditor,*" by inserting "*legislative counsel,*".

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

Amend the title of the bill to read as follows: "An Act relating to the legislature; revising the provisions relating to the appointment of the legislative auditor, legislative counsel and research director of the legislative counsel bureau; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to appointment of legislative auditor, legislative counsel and research director of legislative counsel bureau. (BDR 17-976)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1032.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, The framers of the United States Constitution and the constitution of the State of Nevada, recognizing that participation by citizens

in government is an inalienable right which is essential to the survival of democracy, secured its protection by giving the people the right to petition the government for redress of grievances in the First Amendment to the United States Constitution and in section 10 of article 1 of the constitution of the State of Nevada; and

WHEREAS, The communications, information, opinions, reports, testimony, claims and argument provided by citizens to their government are essential to wise governmental decisions and public policy, the public health, safety and welfare, effective law enforcement, the efficient operation of governmental programs, the credibility and trust afforded government and the continuation of our representative form of government; and

WHEREAS, Civil actions are being filed against many citizens, businesses and organizations based on their valid exercise of their right to petition; and

WHEREAS, Such lawsuits, called "Strategic Lawsuits Against Public Participation," or "SLAPPs," are typically dismissed, but often not before the defendant is put to great expense, harassment and interruption of their productive activities; and

WHEREAS, The number of SLAPPs has increased significantly over the past 30 years; and

WHEREAS, SLAPPs are an abuse of the judicial process in that they are used to censor, chill, intimidate or punish persons for involving themselves in public affairs; and

WHEREAS, The threat of financial liability, litigation costs and other personal losses from groundless civil actions seriously affects governmental, commercial and individual rights by significantly diminishing public participation in government, in public issues and in voluntary service; and

WHEREAS, Although courts have recognized and discouraged SLAPPs, protection of this important right has not been uniform or comprehensive; and

WHEREAS, It is essential to our form of government that the constitutional rights of citizens to participate fully in the process of government be protected and encouraged; now, therefore,".

Amend sec. 3, page 1, by deleting lines 7 through 11 and inserting:

"Sec. 3. *"Good faith communication" means any:*

1. Communication that is aimed at procuring any governmental or electoral action, result or outcome;

2. Communication of information or a complaint to a legislator, officer or employee of the Federal Government, this state or a political subdivision of this state, regarding a matter reasonably of concern to the respective governmental entity; or

3. Written or oral communication made in direct connection with an issue under consideration by a legislative, executive or judicial body, or any other official proceeding authorized by law,

which is made to further the right of the person making the communication to free speech or to petition and which is truthful or is made without knowledge of its falsehood.".

Amend sec. 5, page 1 by deleting line 16 and inserting: "41.650 A person who [in] *makes a* good faith [communicates a complaint or]".

Amend sec. 5, pages 1 and 2, by deleting line 20 on page 1 and lines 1 and 2 on page 2 and inserting: "governmental entity] *communication* is immune from civil liability on [claims] *a claim* based upon the communication.".

Amend sec. 6, page 2, by deleting lines 4 through 15 and inserting:

"41.660 [In any civil action brought against a person who in good faith communicated a complaint or information to a legislator, officer or employee of this state or of a political subdivision regarding a matter reasonably of concern to the respective governmental entity, the]

1. If an action is brought against a person based upon a good faith communication:

(a) The person against whom the action is brought may file a special motion to dismiss; and

(b) The attorney general or [other legal representative of the state or the legal representative of] the *chief legal officer or attorney of a* political subdivision [may provide for the defense of the action on behalf] of *this state may defend or otherwise support* the person [who communicated the complaint or information.] *against whom the action is brought.* If the [legal representative of a political subdivision does not provide for the defense of such an action relating to a communication to a legislator, officer or employee of the political subdivision, the] attorney general [may provide for the defense of the action.] *or the chief legal officer or attorney of a political subdivision has a conflict of interest in, or is otherwise disqualified from, defending or otherwise supporting the person, the attorney general or the chief legal officer or attorney of a political subdivision may employ special counsel to defend or otherwise support the person.*

2. A special motion to dismiss must be filed within 60 days after service of the complaint, which period may be extended by the court for good cause shown.

3. If a special motion to dismiss is filed pursuant to subsection 2, the court shall:

(a) Treat the motion as a motion for summary judgment;

(b) Stay discovery pending:

(1) A ruling by the court on the motion; and

(2) The disposition of any appeal from the ruling on the motion; and

(c) Rule on the motion within 30 days after the motion is filed.

4. If the court dismisses the action pursuant to a special motion to dismiss, the dismissal operates as an adjudication upon the merits.".

Amend sec. 7, page 2, line 17, by inserting an open bracket before "1.".

Amend sec. 7, page 2, line 19, by deleting the open bracket before "communicated".

Amend sec. 7, page 2, by deleting lines 22 through 29 and inserting: "concern to the respective governmental entity is entitled to] *If the court grants a special motion to dismiss filed pursuant to NRS 41.660:*

1. The court shall award reasonable costs and attorney's fees [.

2. If a legal representative of this state or of a political subdivision provides the defense in such an action, the state or political subdivision:

(a) If the legal representative prevails, is entitled] to *the person against whom the action was brought, except that the court shall award* reasonable costs and attorney's fees [; or

(b) If the legal representative does not prevail, must pay reasonable costs and attorney's fees.] *to this state or to the appropriate political subdivision of this state if the attorney general, the chief legal officer or attorney of the political subdivision or special counsel provided the defense for the person pursuant to NRS 41.660.*

2. The person against whom the action is brought may bring a separate action to recover:

(a) Compensatory damages;

(b) Punitive damages; and

(c) Attorney's fees and costs of bringing the separate action.".

Amend the title of the bill to read as follows: "An Act relating to actions concerning persons; revising provisions governing the immunity granted to a person who makes certain communications concerning certain matters related to government; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing immunity granted to person who makes certain communications concerning certain matters related to government. (BDR 3-219)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 368.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1057.

Amend section 1, page 2, line 24, after "*notification*" by inserting: "*of a final written decision*".

Amend section 1, page 2, after line 33, by inserting:

"*7. As used in this section, "substantiated claims for wages" has the meaning ascribed to it in section 2 of this act.*".

Amend sec. 2, page 3, lines 2 and 3, by deleting: "*notice and hearing*" and inserting: "*providing notice and conducting a hearing pursuant to the provisions of this chapter.*".

Amend the title of the bill to read as follows: "An Act relating to contractors; requiring a contractor to file a bond or establish a deposit with the state contractors' board to cover payroll expenses under certain circumstances; requiring the labor commissioner to notify the board after making a final written decision relating to certain claims filed against a contractor; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "in" and inserting "under".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 446.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1071.

Amend section 1, page 1, line 13, by deleting the brackets.

Amend the title of the bill by deleting the third and fourth lines and inserting: "marriage licenses in certain counties; and".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 541 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that for the balance of the session, all bills and resolutions returned from reprint be declared emergency measures under the Constitution and placed on the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 151, 233, 615.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 45.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 235, 315.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 35, 293, 318, 372, 409, 426, 430, 460, 464, 468, 472, 480.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 35.

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

Motion carried.

Senate Bill No. 235.

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

Motion carried.

Senate Bill No. 293.

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

Motion carried.

Senate Bill No. 315.

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

Motion carried.

Senate Bill No. 318.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 372.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 409.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 426.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 430.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 460.

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

Motion carried.

Senate Bill No. 464.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 468.

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

Motion carried.

Senate Bill No. 472.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 480.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 169, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 434, 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bill No. 657; Senate Bill No. 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 541.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1063.

Amend the bill as a whole by deleting sections 1 through 5 and renumbering sec. 6 as section 1.

Amend sec. 6, page 3, by deleting lines 21 through 31 and inserting:

"Section 1. NRS 118B.090 is hereby amended to read as follows:

118B.090 The landlord shall:

1. Maintain all common areas of the park in a clean and safe condition;

2. Maintain in good working order all electrical, plumbing and sanitary facilities, appliances and recreational facilities which he furnishes; [and]

3. Maintain in a safe and secure location individual mail boxes for the tenants if the mail is delivered to the landlord for distribution to the tenants [.] *; and*

4. Maintain in a clean and safe condition all driveways within the park and sidewalks adjacent to the street.".

Amend the bill as a whole by deleting sections 7 through 10 and renumbering sections 11 and 12 as sections 2 and 3.

Amend sec. 11, pages 6 through 8, by deleting lines 32 through 44 on page 6, lines 1 through 44 on page 7 and lines 1 through 12 on page 8 and inserting:

"Sec. 2. NRS 118B.150 is hereby amended to read as follows:

118B.150 The landlord or his agent or employee shall not:

1. Increase rent or additional charges unless:

(a) The [rental] *rent charged after the* increase is the same *rent charged* for mobile homes of the same size or lots of the same size or of a similar location [or classification] within the park, except that a discount may be selectively given to persons who are [handicapped or who are 62] *:*

(1) Handicapped;

(2) Fifty-five years of age or older [, and any] *; or*

(3) Long-term tenants of the park if the landlord has specified in the rental agreement or lease the period of tenancy required to qualify for such a discount;

(b) Any increase in additional charges for special services is the same amount for each tenant using the special service; and

[(b)] *(c)* Written notice advising a tenant of the increase is received by the tenant 90 days before the first payment to be increased and written notice of the increase is given to prospective tenants before commencement of their tenancy. In addition to the notice provided to a tenant pursuant to this paragraph, if the landlord or his agent or employee knows or reasonably should know that the tenant receives assistance from the fund created pursuant to NRS 188B.215, the landlord or his agent or employee shall provide to the administrator written notice of the increase 90 days before the first payment to be increased.

2. Require a tenant to pay for an improvement to the common area of a mobile home park unless the landlord is required to make the improvement pursuant to an ordinance of a local government.

3. Require a tenant to pay for a capital improvement to the mobile home park unless the tenant has notice of the requirement at the time he enters into

the rental agreement. A tenant may not be required to pay for a capital improvement after the tenant enters into the rental agreement unless the tenant consents to it in writing or is given 60 days' notice of the requirement in writing. The landlord may not establish such a requirement unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposal. A notice in a periodic publication of the park does not constitute notice for the purposes of this subsection.

4. Require a tenant to pay his rent by check or money order.

5. Require a tenant who pays his rent in cash to apply any change to which he is entitled to the next periodic payment that is due. The landlord or his agent or employee shall have an adequate amount of money available to provide change to such a tenant.

6. Prohibit or require fees or deposits for any meetings held in the park's community or recreational facility by the tenants or occupants of any mobile home or recreational vehicle in the park to discuss the park's affairs, or any political or social meeting sponsored by a tenant, if the meetings are held at reasonable hours and when the facility is not otherwise in use, or prohibit the distribution of notices of those meetings.

7. Interrupt, with the intent to terminate occupancy, any utility service furnished the tenant except for nonpayment of utility charges when due. Any landlord who violates this subsection is liable to the tenant for actual damages.

8. Prohibit a tenant from having guests, but he may require the tenant to register the guest within 48 hours after his arrival, Sundays and holidays excluded, and if the park is a secured park, a guest may be required to register upon entering and leaving.

9. Charge a fee for a guest who does not stay with the tenant for more than a total of 60 days in a calendar year. The tenant of a mobile home lot who is living alone may allow one other person to live in his home without paying an additional charge or fee, unless such a living arrangement constitutes a violation of chapter 315 of NRS. No agreement between a tenant and his guest alters or varies the terms of the rental contract between the tenant and the landlord and the guest is subject to the rules and regulations of the landlord.

10. Prohibit a tenant from erecting a fence along the perimeter of the tenant's lot if the fence complies with any standards for fences established by the landlord, including limitations established for the height of fences, the materials used for fences and the manner in which fences are to be constructed.

11. Prohibit any tenant from soliciting membership in any association which is formed by the tenants who live in the park. As used in this

subsection, "solicit" means to make an oral or written request for membership or the payment of dues or to distribute, circulate or post a notice for payment of those dues.

12. Prohibit a public officer or candidate for public office from walking through the park to talk with the tenants.".

Amend sec. 12, page 8, by deleting lines 28 and 29 and inserting: "subtenant meets the general requirements for tenancy in the park.".

Amend sec. 12, page 8, between lines 31 and 32, by inserting:

"*6. Purchase a mobile home within the park if he has denied:*

(a) A tenant the right to sell that mobile home; or

(b) A prospective buyer the right to purchase that mobile home.".

Amend the bill as a whole by deleting sections 13 through 16 and renumbering sections 17 through 19 as sections 4 through 6.

Amend sec. 17, page 10, line 29, by deleting: "18 and 19" and inserting: "5 and 6".

Amend sec. 18, page 10, by deleting lines 30 through 34 and inserting:

"Sec. 5. *1. The division shall adopt regulations concerning continuing education requirements for installers, rebuilders and servicemen of mobile homes. The regulations must include the:*

(a) Criteria for determining what qualifies as continuing education;".

Amend sec. 18, page 11, line 3, by deleting "*initial or*".

Amend sec. 18, page 11, by deleting lines 18 through 20 and inserting: "*servicing of manufactured homes and the method of educating licensees.*

3. The division is not responsible for the costs of any".

Amend sec. 18, page 11, by deleting lines 28 and 29 and inserting:

"*(d) Nevada Association of Manufactured Homeowners;*

(e) Nevada Association of Realtors; and

(f) Any other organization approved by the division.".

Amend sec. 19, page 11, by deleting lines 30 through 40 and inserting:

"Sec. 6. *If a licensee is an installer, rebuilder or serviceman of mobile homes, the division shall not renew a license issued to that licensee until the licensee has submitted proof satisfactory to the division that he has, during the 2-year period immediately preceding the renewal of the license, completed at least 8 hours of continuing education approved by the division pursuant to section 5 of this act.*".

Amend the bill as a whole by deleting sec. 20 and renumbering sections 21 and 22 as sections 7 and 8.

Amend sec. 21, page 12, line 10, by deleting "18" and inserting "5".

Amend sec. 22, page 12, by deleting lines 12 through 16 and inserting:

"Sec. 8. 1. This section and sections 4, 5 and 7 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on October 1, 1997.

3. Section 6 of this act becomes effective on October 1, 1998.".

Amend the title of the bill to read as follows: "An Act relating to mobile homes; requiring a landlord of a mobile home park to maintain driveways within and sidewalks adjacent to the street; prohibiting a landlord of a mobile home park from purchasing a mobile home within the park in certain circumstances; requiring the manufactured housing division of the department of business and industry to adopt regulations concerning continuing education requirements for sellers, dealers and installers of mobile homes; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes regarding mobile homes, mobile home parks and persons who install, rebuild or service mobile homes. (BDR 10-707)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 183.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1073.

Amend section 1, page 1, lines 3 and 4, by deleting: "*assistance to the medically indigent*" and inserting "*Medicaid*".

Amend section 1, page 1, by deleting lines 9 and 10 and inserting:

"*(b) Who is covered by the state plan for Medicaid; and*".

Amend sec. 2, page 2, line 3, by deleting: "assistance to the medically indigent" and inserting "Medicaid".

Amend sec. 2, page 2, by deleting lines 8 and 9 and inserting:

"(b) Who is covered by the state plan for Medicaid; and".

Amend sec. 9, page 2, lines 35 and 36, by deleting: "*assistance to the medically indigent.*" and inserting "*Medicaid.*".

Amend sec. 14, page 4, lines 13 and 14, by deleting: "the effective date of this act," and inserting: "June 30, 1997,".

Amend sec. 15, page 4, by deleting lines 23 and 24 and inserting: "act become effective on June 30, 1997.".

Amend the title of the bill by deleting the second line and inserting: "indigent; revising the state plan for Medicaid; making an".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing state plan for Medicaid. (BDR 38-296)".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

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

Motion carried.

Assembly in recess at 5:49 p.m.

ASSEMBLY IN SESSION

At 5:51 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 371:

YEAS — 41.

NAYS — None.

Absent — Price.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 584.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1072.

Amend sec. 7, page 4, line 21, after "inclusive," by inserting: "and section 5 of [this act,] *Senate Bill No. 355 of this session*".

Amend sec. 7, page 4, by deleting line 23 and inserting: "and terms defined in NRS 483.030 to 483.190, inclusive, and sections 2, 3 and 4 of [this act,] *Senate Bill No. 355 of this session and section 2 of*".

Amend sec. 7, page 4, line 24, by deleting "respectively".

Amend sec. 11, page 8, by deleting line 29 and inserting: "Sec. 11. Sections 7 and 8 of this act become effective at 12:01 a.m. on".

Assemblyman Arberry moved the adoption of the amendment.
Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 314.
Bill read third time.
Remarks by Assemblywoman Buckley.
Assemblywoman Buckley moved that Senate Bill No. 314 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Senate Bill No. 350.
Bill read third time.
Remarks by Assemblywoman de Braga.
Roll call on Senate Bill No. 350:
YEAS — 42.
NAYS — None.
Senate Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 402.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Senate Bill No. 402:
YEAS — 42.
NAYS — None.
Senate Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 169.
Bill read third time.
Remarks by Assemblyman Williams.
Roll call on Senate Bill No. 169:
YEAS — 41.
NAYS — Hickey.
Senate Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 396:

YEAS — 42.

NAYS — None.

Senate Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 434.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 434:

YEAS — 42.

NAYS — None.

Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Senate Bill No. 443:

YEAS — 42.

NAYS — None.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 547 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 609.

Bill read third time.

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

Amendment No. 1078.

Amend the bill as a whole by deleting sections 24 and 25 and inserting:

"Secs. 24 and 25. (Deleted by amendment.)".

Amend sec. 50, page 25, by deleting lines 3 through 9 and inserting: "previous offense, guilty of a category [D] *C* felony and shall be punished as provided in NRS 193.130.".

Amend sec. 81, page 40, line 40, by deleting "24, 25,".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 547.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 547:

YEAS — 42.

NAYS — None.

Assembly Bill No. 547 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 104.

The following Senate amendment was read:

Amendment No. 910.

Amend sec. 2, page 1, by deleting lines 5 through 7 and inserting: "district pursuant to section 1 of this act must".

Amend sec. 3, page 1, by deleting lines 12 through 18 and inserting: "the district judges' salaries account the sum of $193,086 for salaries of the additional district judges required pursuant to section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general".

Amend sec. 5, page 2, line 4, by deleting: "2, 3 and 4" and inserting "2 and 4".

Amend sec. 5, page 2, by deleting line 6 and inserting: "2. Section 3 of this act becomes effective on January 1, 1999.

3. Section 1 of this act becomes effective on January 4, 1999.".

Amend the title of the bill, second line, by deleting "appropriations;" and inserting "an appropriation;".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 104.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 538.

The following Senate amendment was read:

Amendment No. 869.

Amend section 1, page 1, line 10, by deleting the italicized semicolon.

Amend section 1, page 1, line 11, after "law;]" by inserting: "*as a gaming activity;*".

Amend sec. 2, page 2, line 16, after "*racing*" by inserting: "*as a gaming activity*".

Amend the title of the bill, first line, after: "to conduct dog racing" by inserting: "as a gaming activity".

Amend the summary of the bill by deleting "unlawful." and inserting: "unlawful in certain circumstances.".

Assemblyman Anderson moved that the Assembly concur in Senate Amendment No. 869 to Assembly Bill No. 538.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 939.

Amend section 1, page 2, after line 13 by inserting:

"5. A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

6. As used in this section, "shooting range" has the meaning ascribed to it in NRS 40.140.".

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

"Sec. 20. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Assemblyman Anderson moved that the Assembly concur in Senate Amendment No. 939 to Assembly Bill No. 538.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 99, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

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

JACK CLOSE	MARK JAMES
DARIO HERRERA	BERNICE MATHEWS
JOHN MARVEL	MICHAEL SCHNEIDER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 8.

Amend the bill as a whole by renumbering section 1 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 218.241 is hereby amended to read as follows:

218.241 1. Upon request made within the time allowed and within limits established by the legislature by concurrent resolution, the legislative counsel shall advise any agency or officer of the executive branch of the state government, and shall advise any county , *school district* or city, as to the preparation of measures to be submitted to the legislature.

2. To ensure the greatest possible equity in the handling of requests, drafting must proceed as follows:

(a) Requests for legislative measures from each agency or officer of the executive branch of the state government or from a county , *school district* or city must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.

(b) As soon as an agency or officer of the executive branch of the state government has requested 10 legislative measures for any session , the legislative counsel may request the agency or officer to designate the priority for each succeeding request.

(c) Within 2 weeks after the commencement of a regular session of the legislature, any county , *school district* or city which has requested the preparation of more than one legislative measure for that session shall submit to the legislative counsel a list which designates the order of priority for each request.

The priority designated pursuant to this subsection must guide the legislative counsel in acting upon the requests of the respective agencies and officers of the executive branch of the state government *and the counties, school districts and cities* to ensure each agency and officer, and each county , *school district* and city, as nearly as is possible, an equal rank.

Sec. 2. NRS 218.2413 is hereby amended to read as follows:

218.2413 1. Except as otherwise provided in subsections 3 [and 4,] , *4 and 5,* each board of county commissioners , *board of trustees of a school district* and city council may request the legislative counsel and the legal division of the legislative counsel bureau to prepare any legislative measure which has been approved by the governing body of the county , *school district* or city at a public hearing before its submission to the legislative counsel bureau.

2. The legislative counsel shall notify the requesting county , *school district* or city if its request substantially duplicates a request previously submitted by another county , *school district* or city.

3. The board of county commissioners of a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than [30] *33* legislative measures pursuant to subsection 1 for a regular legislative session. *At least three of the measures must be recommended by a metropolitan police department that is located within the county.*

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 25 legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.

4. *The board of trustees of a school district in a county whose population:*

(a) Is 400,000 or more shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 3 legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.

5. The city council of a city whose population:

(a) Is 100,000 or more shall not request the preparation of more than 10 legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is less than 100,000 shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.

Sec. 3. NRS 218.245 is hereby amended to read as follows:

218.245 1. Except as otherwise provided in subsections 2 and 5, the legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of proposed legislation for any agency or officer of the executive branch of the state government or for a county , *school district* or city before a regular session of the legislature unless the request is approved by the governor or a designated member of his staff, or the governing body of the county , *school district* or city, and transmitted to the legislative counsel before September 1 preceding the convening of the session.

2. A request for proposed legislation may be submitted to the legislative counsel by the board of regents of the University of Nevada, lieutenant governor, secretary of state, attorney general, state controller or state treasurer without the approval of the governor or a designated member of his staff.

3. After November 1, preceding a legislative session, the legislative counsel and the legal division of the legislative counsel bureau shall give full priority to the preparation of proposed legislation requested by members of the legislature.

4. The legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of any proposed legislation during any regular session of the legislature except upon the request of a member of the legislature or the personal written request of the governor.

5. An agency or officer of the executive branch of the state government or a county , *school district* or city, shall not request a legislator to have legislation drafted on its behalf. The legislative commission, when the legislature is not in session, or a standing committee which has jurisdiction of the subject matter when the legislature is in session, may, if it finds that exceptional circumstances so warrant, authorize the drafting of legislation requested after the time limited by subsection 1.".

Amend the title of the bill to read as follows: "An Act relating to legislation; authorizing a board of trustees of a school district to request the preparation of a certain number of legislative measures; authorizing boards of county commissioners of certain counties to request the preparation of an additional number of legislative measures; limiting the authority to prefile a bill or joint resolution to legislators; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to requests for and prefiling of legislative measures. (BDR 17-331)".

Assemblyman Close moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 99.

Remarks by Assemblyman Close.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 122, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has further agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

GENE WINES SEGERBLOM	MIKE MCGINNESS
JOHN C. CARPENTER	ERNEST E. ADLER
CLARENCE W. COLLINS	JON C. PORTER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No.7.

Amend sec. 9, page 2, line 16, by deleting: "*16 or 17* " and inserting: "*16, 17 or 18* ".

Amend the title of the bill, second and third lines, by deleting: "16 or 17 " and inserting: "16, 17 or 18 ".

Assemblywoman Segerblom moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 122.

Remarks by Assemblymen Segerblom, Goldwater and Giunchigliani.

Motion lost.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Herrera, Sandoval and Buckley as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 122.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Herrera and Amodei as additional members to the Committee on Education.

GENERAL FILE AND THIRD READING

Assembly Bill No. 644.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 644:

YEAS — 42.

NAYS — None.

Assembly Bill No. 644 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 13, 67, 153, 193, 235, 248, 264, 342, 361, 433, 469, 510, 533, 550, 560, 577, 587; Assembly Joint Resolution No. 12; Senate Bills Nos. 24, 53, 128, 133, 231, 280, 355, 404, 412, 419, 423, 459, 465; Senate Joint Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Paula Ford, Keith Schwer and Sally Martin.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Carroll, Teraisa Goldman-Hayley and Delia Martinez.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, July 2, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 6:31 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-FOURTH DAY

CARSON CITY (Wednesday), July 2, 1997

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

O God, our Creator, we thank You for the magnificence of Your creation: the deep blue of the sky; the splendor of the mountains; and the beauty displayed on the faces of our brothers and sisters. We thank You that we are created as unique individuals with diversified opinions, yet we ask that You would free us from being petty and self-absorbed. Instead, empower us to seek peace and unity as we strive to work together. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bill No. 648; Senate Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was re-referred Assembly Bill No. 611, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

ROBERT E. PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 209, 242.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 13, 145, 155, 267, 291.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 666—An Act relating to taxation; eliminating the conversion factor for liquefied petroleum gas used in the calculation of the tax on special fuel; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 452 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 384.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1058.

Amend the bill as a whole by deleting sections 1 through 22 and inserting new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Franchise" means an arrangement which is evidenced in an oral or written agreement, express or implied, which:*

1. Grants the right to a franchisee to distribute goods or provide services under a marketing plan prescribed or suggested in substantial part by a franchisor.

2. Requires the franchisee to pay a franchise fee to the franchisor or his affiliate.

3. Allows the franchise to be substantially associated with a trade-mark, service mark, trade name, logo, advertisement or other commercial symbol or designation of the franchisor or his affiliate.

Sec. 4. *"Franchisee" means a person to whom a franchise is granted.*

Sec. 5. *"Franchisor" means a person who grants a franchise or an affiliate of such a person.*

Sec. 6. *1. A provision in a franchise agreement, or a document that is ancillary to a franchise agreement, which:*

(a) Restricts jurisdiction or venue to a forum other than this state; or

(b) Requires a dispute to be submitted to arbitration outside this state, is void.

2. A franchisor and franchisee may, at the time a dispute is submitted to arbitration, agree to conduct the arbitration outside this state.

Sec. 7. *A franchisor or any officer, agent or employee of a franchisor shall not:*

1. Restrict a franchisee from associating with other franchisees or from forming or participating in a trade association; or

2. Retaliate or discriminate against a franchisee for engaging in such activities.

Sec. 8. *The provisions of sections 2 to 8, inclusive, of this act do not:*

1. Limit any liability that exists pursuant to any other specific statute or at common law; or

2. Apply to any legal action based on facts which occurred before October 1, 1997, or to any franchise agreement entered into, last amended or renewed before October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to franchises; providing that certain provisions in a franchise agreement, or a document that is ancillary to that agreement, are void; prohibiting a franchisor from restricting the rights of a franchisee to associate with certain persons; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing operation of franchises. (BDR 52-1167)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 183, 541, 584, 611, 632; Senate Bills Nos. 325, 331, 368, 446 be placed on the General File.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 648 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 531.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 954.

Amend section 1, page 1, line 2, by deleting: "2 to 5, inclusive," and inserting: "2, 3 and 4".

Amend sec. 4, page 2, line 2, after "*solids,*" by inserting "*mineralizing*".

Amend the bill as a whole by deleting sections 5 through 9 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. NRS 514.030 is hereby amended to read as follows:

514.030 1. The board of regents of the University of Nevada shall appoint as director a competent scientist or engineer, *to be known as the director of the bureau of mines and geology,* who must be a [graduate] *:*

(a) Graduate of a recognized college or university with a degree in some branch of earth science or mineral engineering [, to be known as the director of the bureau of mines and geology.] *; and*

(b) Professional geologist with expertise in the science of geology.

2. Upon the director's nomination, the board of regents of the University of Nevada shall employ such assistants and employees as the board deems necessary.

3. The board of regents of the University of Nevada may also determine the compensation of all persons employed by the bureau of mines and geology and may remove them at will.".

Amend the title of the bill, by deleting the second and third lines and inserting: "requiring that the director of the bureau of mines and geology be a professional geologist with expertise in the science of geology; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting the period and inserting: "and revises qualifications of director of bureau of mines and geology.".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 540.

Bill read second time.

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

Amendment No. 1019.

Amend the bill as a whole by deleting sections 1 through 20 and adding new sections designated sections 1 through 6 and the leadlines of the repealed sections, following the enacting clause, to read as follows:

"Section 1. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as provided in NRS 321.125 [, 321.450] and 321.510, after April 1, 1957, all sales of any lands that the division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the state land registrar deems it to be in the best interests of the State of Nevada that any lands owned by the state and not used or set apart for public purposes be sold, he may, with the approval of the state board of examiners and the interim finance committee, cause those lands to be sold at public auction or upon sealed bids, for cash or pursuant to contract of sale, at a price not less than their appraised value plus the costs of appraisal and publication of notice of sale.

3. Before offering any land for sale, the state land registrar shall cause it to be appraised by a competent appraiser.

4. After receipt of the report of the appraiser, the state land registrar shall cause a notice of sale to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold is situated, and in such other newspapers as he deems appropriate. If there is no newspaper published in the county where the land to be sold is situated, the notice must be so published in a newspaper published in this state having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold;

(b) A statement of the terms of sale;

(c) A statement of whether the land will be sold at public auction or upon sealed bids to the highest bidder;

(d) If the sale is to be at public auction, the time and place of sale; and

(e) If the sale is to be upon sealed bids, the place where the bids will be accepted, the first and last days on which the bids will be accepted, and the time when and place where the bids will be opened.

6. The state land registrar may reject any bid or offer to purchase if he deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the state to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

7. Upon acceptance of any bid or offer and payment to the state land registrar in accordance with the terms of sale specified in the notice of sale, the state land registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

8. The state land registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the state land registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

Sec. 2. NRS 321.500 is hereby amended to read as follows:

321.500 1. The commission may, on behalf of the State of Nevada, purchase or otherwise acquire from the Federal Government all or any portion of the lands described in subsection 2, at intervals during any period when a purchase *or acquisition* may be made as provided by the Congress of the United States, including any extension of time granted by the Secretary of the Interior, or otherwise.

2. The lands referred to in subsection 1 are described as follows:

(a) Parcel 1. All of sections 1, 12 and 13; fractional sections 24 and 25, T. 33 S., R. 65 E.

(b) Parcel 2. All of sections 6, 7 and 8; fractional sections 4, 5, 9, 10 and 15, all of section 16, fractional section 17, all of section 18, fractional sections 19, 20, 21, 30 and 31, T. 33 S., R. 66 E.

(c) Parcel 3. [East] *All of sections 9, 10, 11, 14, 15 and 16, east* 1/2 section 20, all of sections 21, 22, 23, fractional sections 24, 25 and 26, all of

sections 27 and 28, east 1/2 section 29, southeast 1/4 section 31, fractional sections 32, 33, 34 and 35, T. 32 S., R. 66 E.

(d) Parcel 4. Fractional sections 4 and 5, T. 34 S., R. 66 E., and any other surveyed land or any unsurveyed land lying between the lands described in parcels 2, 3 and 4 and the Arizona-Nevada state line.

All range references in this subsection refer to Mount Diablo base and meridian.

Sec. 3. NRS 321.536 is hereby amended to read as follows:

321.536 1. The commission may use money in the Fort Mohave development account to purchase or otherwise acquire lands described in NRS 321.500 and 321.534 in an amount not to exceed $3,200,000.

2. After the allocation of money pursuant to subsection 1, the commission may use money in the Fort Mohave development account to administer the provisions of NRS 321.480 to 321.536, inclusive, and any other expenditures authorized by law.

3. After the allocation of money pursuant to subsections 1 and 2, the commission, with the concurrence of the board of county commissioners of Clark County, shall, pursuant to NRS 353.150 to 353.246, inclusive, prepare and submit a program for the use of the remaining money available in the Fort Mohave Valley development account to develop state and local capital improvements. The program may include the planning, design and construction of those improvements which develop the land in the Fort Mohave Valley or in the service area of any general improvement district, special district, town or city which contains all or a part of the land in the Fort Mohave Valley, or both. If the program is approved, the commission shall approve proper claims against the account made in conformance with the program in a manner which ensures that any claims concerning a particular capital improvement are approved and paid before any claims concerning another capital improvement are approved and paid.

4. After disposition of the money in the Fort Mohave Valley development account pursuant to subsections 1, 2 and 3, the commission may use any remaining money to:

(a) Develop and dispose of any land described in NRS 321.534 acquired by the commission;

(b) Purchase or otherwise acquire, develop and dispose of any other land [, including the land described in NRS 321.410,] which the commission is authorized to purchase, acquire, develop or dispose of; and

(c) Perform any other acts authorized by the legislative commission.

5. Any money:

(a) Received from the development or disposition of the land described in NRS 321.534; *or*

(b) [Transferred from the Eldorado Valley development account pursuant to subsection 2 of NRS 321.470; or

(c)] Received from the development or disposition of any other land which the commission acquires using money from the Fort Mohave Valley development account pursuant to paragraph (b) of subsection 4,

must be deposited in the Fort Mohave Valley development account.

Sec. 4. NRS 538.135 is hereby amended to read as follows:

538.135 The director:

1. Is responsible for administering and carrying out the policies of the commission.

2. Shall direct and supervise all the technical and administrative activities of the commission.

3. Shall report to the commission all relevant and important matters concerning the administration of his office. He is subject to the supervision of the commission and is responsible, unless otherwise provided by law, for the conduct of the administrative function of the commission's office.

4. Shall perform any lawful act which he considers necessary or desirable to carry out the purposes and provisions of this chapter, [NRS 321.390 to 321.470, inclusive,] NRS 321.480 to 321.536, inclusive, [NRS] *and* 538.010 to 538.251, inclusive, and any other provisions of law relating to the powers and duties of the commission.

Sec. 5. 1. NRS 321.390, 321.400, 321.410, 321.450, 321.460 and 321.470 are hereby repealed.

2. Sections 1 to 9, inclusive, of chapter 462, Statutes of Nevada 1975, at page 715, are hereby repealed.

Sec. 6. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS OF NRS AND STATUTES OF NEVADA

321.390 Short title.

321.400 "Commission" defined.

321.410 Acquisition of certain lands by state authorized.

321.450 Powers and duties of commission; sale or relinquishment of land.

321.460 Eldorado Valley development account: Creation; use; crediting of interest and income.

321.470 Eldorado Valley development account: Deposits; reimbursement of state general fund or Fort Mohave Valley development account.

Section 1. Definitions.

Sec. 2. "Commission" defined.

Sec. 3. "Federal lands" defined.

Sec. 4. Powers of commission; limitations; approval by legislative commission of disposal of land, water or water rights.

Sec. 5. Types of securities issued; refunding or reissuing securities; pledge of net revenues.

Sec. 6. Approval of contracts by governor.

Sec. 7. Powers supplemental; applicability of other laws.

Sec. 8. Legislative declaration; applicability of State Securities Law.

Sec. 9. Severability.".

Amend the title of the bill to read as follows: "An Act relating to public lands; expanding the list of lands that the Colorado River commission may purchase or acquire from the Federal Government pursuant to the Fort Mohave Valley Development Law; repealing the Eldorado Valley Development Law; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing certain lands that Colorado River commission may purchase or acquire from Federal Government. (BDR 26-917)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 657.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1046.

Amend sec. 2, page 2, by deleting lines 6 through 10 and inserting: "*The regulations of the commission may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the commission to enforce the provisions of NRS 706.010 to 706.791, inclusive.*".

Amend sec. 3, page 2, line 34 after "*(c)*" by inserting: "*Any of the provisions of NRS 706.446 to 706.453, inclusive, and sections 10, 11 and 11.5 of this act have been violated;*

(d)".

Amend sec. 3, page 2, line 42, by deleting "*(d)*" and inserting "*(e)*".

Amend sec. 7, page 5, line 23, by deleting "11," and inserting "11.5,".

Amend sec. 9, page 5, by deleting lines 26 through 29 and inserting:

"Sec. 9. *"Towing services" includes the process of towing a vehicle, storage of that vehicle, storage of items found in that vehicle and the preparation and satisfying of any liens against that vehicle to which the operator is entitled.*".

Amend sec. 11, page 6, line 26, by deleting "*no*" and inserting "*a*".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. *1. Each operator of a tow car shall file its proposed charges for preparing or satisfying a lien to which the operator is entitled*

pursuant to the provisions of NRS 108.265 to 108.360, inclusive, against a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle. The commission may investigate any charge proposed pursuant to this subsection and revise the charge as necessary to ensure that the charge is reasonable.

2. An operator of a tow car may not impose a charge or any part of a charge filed pursuant to subsection 1 unless the operator:

(a) Has initiated the procedure by which a person may satisfy a lien pursuant to the provisions of NRS 108.265 to 108.360, inclusive, 487.010 and 487.270; and

(b) Stores the vehicle for at least 96 hours.

3. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for at least 96 hours but not more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the commission pursuant to subsection 1 for preparing or satisfying a lien.

4. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the commission pursuant to subsection 1 for preparing or satisfying a lien in addition to the amount charged pursuant to subsection 3.".

Amend sec. 12, page 6, line 41, by deleting "*11,*" and inserting "*11.5,*".

Amend sec. 16, page 8, line 17, by deleting "2. Fully" and inserting "2. [Fully".

Amend sec. 16, page 8, by deleting lines 19 through 22 and inserting:

"3.] A purchaser or broker of transportation services which are provided".

Amend sec. 17, page 8, line 42, by deleting "*the vehicle.*" and inserting: "*the vehicle and pursuant to the provisions of NRS 706.010 to 706.791, inclusive.*".

Amend sec. 19, page 9, by deleting lines 38 through 40 and inserting:

"*2. An operator of a tow car,*".

Amend sec. 21, page 10, line 24, by deleting "service." and inserting: "service [.] *and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.010 to 706.791, inclusive.*".

Amend sec. 21, page 10, line 36, by deleting "*vehicle.*" and inserting: "*vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.010 to 706.791, inclusive.*".

Amend sec. 24, page 12, line 25, by deleting: "*pursuant to NRS 706.321*".

Amend sec. 25, page 12, line 44, after "*operator*" by inserting: "*discontinues providing towing services from an operating terminal or*".

Amend sec. 25, page 13, by deleting line 2 and inserting: "*days after the operator discontinues providing towing services from an operating terminal or commences operations at the new terminal.*".

Amend sec. 33, page 16, between lines 36 and 37, by inserting:

"*7. The commission shall not require that an operator of a tow car charge the same rate to law enforcement agencies for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle that the operator charges to other persons for such services.*".

Amend sec. 34, page 16, lines 39 and 40, by deleting: "*10 and 11*" and inserting: "*10, 11 and 11.5*".

Amend sec. 35, page 17, by deleting lines 8 and 9 and inserting:

"*(2) Towing services,*".

Amend sec. 37, page 19, line 6, by deleting: "*10 and 11*" and inserting: "*10, 11 and 11.5*".

Amend sec. 38, page 19, by deleting lines 41 and 42 and inserting:

"*(2) Towing services,*".

Amend sec. 41, page 21, by deleting lines 17 through 19 and inserting:

"706.771 1. Any [fully] *:*

(a) Fully regulated carrier [, broker] *;*

(b) Broker of regulated services *;*

(c) Operator of a tow car; or [other person who transports or stores household goods,]

(d) Other person,

or any agent or employee thereof, who violates any provision".

Amend sec. 45, page 22, line 23, by deleting: "December 31, 1996," and inserting: "May 31, 1997,".

Amend sec. 45, page 23, line 2, by deleting: "December 31, 1996," and inserting: "May 31, 1997,".

Amend sec. 45, page 23, line 5, by deleting: "December 31, 1996," and inserting: "May 31, 1997,".

Amend sec. 45, page 23, line 10, by deleting: "December 31, 1996," and inserting: "May 31, 1997,".

Amend sec. 45, page 23, by deleting line 17 and inserting: "charge that would become effective before June 1, 1998, pursuant to NRS 706.323.".

Amend the title of the bill, tenth line, after "commission;" by inserting: "requiring an operator of a tow car to file with the public service commission of Nevada his charges for preparing or satisfying a lien against a stored vehicle;".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 648.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1077.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sec. 5 as section 1.

Amend sec. 5, page 2, by deleting line 35 and inserting: "*shall* apportion all the money".

Amend the bill as a whole by deleting sections 6 and 7 and renumbering sec. 8 as sec. 2.

Amend the bill as a whole by deleting the text of the repealed section.

Amend the title of the bill to read as follows: "An Act relating to local governmental finances; prohibiting a local government from submitting certain claims for interest earned in a prior fiscal year on money received as an apportionment from the county treasurer; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Prohibits local government from submitting certain claims for interest earned in prior fiscal year on money received as apportionment from county treasurer. (BDR 32-536)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 778.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

(a) A partial abatement of property taxes pursuant to section 4 of this act;

(b) An exemption from taxes upon the privilege of doing business in this state pursuant to NRS 364A.170;

(c) A deferral of the payment of taxes on the sale of capital goods pursuant to NRS 372.397 or 374.402; or

(d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357,

the department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the department shall report its findings to the commission on economic development and take any other necessary actions.".

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "3 and 4".

Amend sec. 2, page 1, line 4, by deleting "*3*" and inserting "*4*".

Amend sec. 2, page 1, lines 5 and 6, by deleting: "*in industries other than mining, gaming and tourism*" and inserting: "*whose goals are consistent with the goals of the commission and the community concerning industrial development and diversification and*".

Amend sec. 2, page 1, line 10, by deleting "*and*".

Amend sec. 2, page 1, line 14, by deleting "*businesses.*" and inserting: "*businesses; and*

4. To attract industry that utilizes innovations, processes or practices that have a positive impact on the conservation, preservation or protection of the environment and the natural resources of the area.".

Amend sec. 3, page 2, line 13, by deleting the period and inserting: "*that includes an option for health insurance coverage for dependents of the employees.*".

Amend sec. 3, page 2, by deleting lines 14 through 16 and inserting:

"*(e) The cost to the business for the benefits the business provides to its employees in this state will meet the minimum requirements for benefits established by the commission pursuant to subsection 8.*".

Amend sec. 3, page 3, line 33, by deleting: "*that states the percentage of the abatement*".

Amend sec. 3, page 4, by deleting lines 11 and 12 and inserting: "*abatement shall pay interest on the amount due at the rate of 10 percent per annum for each month, or portion thereof, from*".

Amend sec. 3, page 4, by deleting lines 16 through 21 and inserting:

"*8. A county treasurer:*

(a) Shall deposit any money that he receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.611, 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.611, 354.6113 and 354.6115.

9. The commission on economic development shall adopt regulations necessary to carry out the provisions of this section. The regulations must include, but not be limited to:

(a) A method for determining the appropriate affected local government to approve a proposed abatement and the procedure for obtaining such approval; and

(b) Minimum requirements for benefits that a business applying for a partial abatement must offer to its employees to be approved for the partial abatement.

10. The department of taxation shall adopt regulations concerning how county assessors shall administer partial abatements approved pursuant to this section.

11. An applicant for an abatement who is aggrieved by a final decision of".

Amend the title of the bill, second line, after the semicolon, by inserting: "requiring the department of taxation to investigate certain persons claiming certain abatements, exemptions or deferrals of taxes;".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing certain abatements, exemptions and deferrals of taxes. (BDR 32-951)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 945.

Amend sec. 3, page 1, line 8, by deleting "*video recording,*".

Amend sec. 4, page 1, line 11, after "*inclusive,*" by inserting: "*section 1 of Assembly Bill No. 336 of this session*".

Amend sec. 5, page 2, by deleting lines 2 through 7 and inserting:

"201.256 As used in NRS 201.256 to 201.265, inclusive, and section 1 of [this act,] *Assembly Bill No. 336 of this session and sections 2, 3 and 4 of this act,* unless the context otherwise requires, the words and terms defined in NRS 201.257 to 201.264, inclusive, and section 1 of [this act,] *Assembly Bill*

No. 336 of this session and sections 2 and 3 of this act, have the meanings ascribed to them in those sections.".

Amend sec. 6, page 2, by deleting lines 13 through 15 and inserting: "*Distributes or causes to be distributed* to a minor [, or exhibits for sale] *material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.*

2. Exhibits for distribution to an adult in such a manner or location as to allow a minor to view or *to* have access [for examination any picture, photograph, drawing,".

Amend sec. 6, page 2, line 16, by deleting "film,".

Amend sec. 6, page 2, line 29, by deleting "*2.*" and inserting "*3.*".

Amend sec. 6, page 2, line 35, by deleting "[4.] *3.*" and inserting "4.".

Amend sec. 6, page 2, line 40, by deleting "[5.] *4.*" and inserting "5.".

Amend sec. 6, page 3, by deleting lines 1 through 9 and inserting:

"*6. Exhibits, distributes or offers to distribute material that is harmful to minors in a vending machine that is located in a public place unless:*

(a) The vending machine is supervised by an adult; or

(b) Minors are excluded from the public place where the vending machine is located.

7. Sells or rents motion pictures which contain material that is harmful to minors on the premises of a business establishment open to minors, unless the person creates an area within the establishment for the placement of the motion pictures and any material that advertises the sale or rental of the motion pictures which:

(a) Prevents minors from observing the motion pictures or any material that advertises the sale or rental of the motion pictures; and".

Amend the bill as a whole by renumbering sections 7 and 8 as sections 8 and 9 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. Section 1 of Assembly Bill No. 336 of this section is hereby amended to read as follows:

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

"Motion picture" means a film [,] *or a video recording,* whether or not it has been rated appropriate for a particular audience, that is:

1. Placed on a videodisc or videotape; or
2. To be shown in a theater or on television,

and includes, without limitation, a cartoon or an animated film.".

Amend the bill as a whole by adding a new section designated sec. 10, following sec. 8, to read as follows:

"Sec. 10. Sections 5, 6 and 7 of this act become effective at 12:01 a.m. on October 1, 1997.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 457.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1028.

Amend section 1, page 2, by deleting lines 3 through 11 and inserting:

"*4. In addition to all other applicable registration and license fees and motor vehicle privilege taxes:*

(a) A person who requests license plates that indicate status as a hall of fame athlete shall pay a fee to the department of $35.

(b) License plates that indicate status as a hall of fame athlete are renewable upon the payment to the department of $10.".

Amend section 1, page 2, line 33 by deleting the italicized comma.

Amend section 1, page 2, by deleting line 34 and inserting: "*or community college within the University and Community College System of Nevada.*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1105.

Amend the bill as a whole by deleting sec. 6 and renumbering sec. 7 as sec. 6.

Amend the title of the bill by deleting the third and fourth lines and inserting: "use of liquefied petroleum gas and compressed natural gas; and".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 50, 429, 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Assembly Bill No. 183:

YEAS — 42.

NAYS — None.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 541 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 314 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 70 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Concurrent Resolution No. 44 be placed on the Resolution File.

Motion carried.

Assembly Bill No. 584.

Bill read third time.

Remarks by Assemblymen Buckley and Carpenter.

Roll call on Assembly Bill No. 584:

YEAS — 35.

NAYS — Carpenter, de Braga, Giunchigliani, Gustavson, Hickey, Marvel, Price — 7.

Assembly Bill No. 584 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 611.

Bill read third time.

Remarks by Assemblymen Price and Ernaut.

Roll call on Assembly Bill No. 611:

YEAS — 42.

NAYS — None.

Assembly Bill No. 611 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 632.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 632:

YEAS — 42.

NAYS — None.

Assembly Bill No. 632 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70.

Bill read third time.

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

Amendment No. 1112.

Amend section 2, page 1, line 3 by deleting "county that" and inserting: "*county whose population is 400,000 or more and that* ".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Concurrent Resolution No. 44.

Resolution read.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1088.

Amend the resolution, page 1, by deleting line 3 and inserting: "appoint an interim committee composed of six members selected as follows:

1. Three members of the Senate, two of whom served during the 69th legislative session on the Senate Standing Committee on Human Resources and Facilities; and

2. Three members of the Assembly, two of whom served during the 69th legislative session on the Assembly Standing Committee on Education,

to conduct an interim study of the various needs of pupils in the public schools".

Amend the resolution, page 1, between lines 4 and 5, by inserting:

"RESOLVED, That the committee may, to assist in conducting the interim study, appoint a nonvoting technical advisory board which must include, without limitation:

1. At least one classroom teacher who currently teaches at a public school within this state;

2. At least one special education teacher who currently teaches at a public school within this state;

3. At least one person who currently serves as a principal at a public school within this state; and

4. At least one parent of a pupil who currently attends a public school within this state; and be it further".

Amend the resolution, page 2, by deleting lines 34 through 39 and inserting:

"RESOLVED, That any recommendations for legislation proposed by the committee must be approved by a majority of the members of the Assembly appointed to the committee and a majority of the members of the Senate appointed to the committee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 70th session of the".

Amend the title of the resolution, first line, after "to" by inserting: "appoint a committee to".

Amend the summary of the resolution, first line, after "to" by inserting: "appoint committee to".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

GENERAL FILE AND THIRD READING

Senate Bill No. 328.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 328:

YEAS — 42.

NAYS — None.

Senate Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 204.

The following Senate amendment was read:

Amendment No. 912.

Amend section 1, page 1, line 2, after "Taxation" by inserting: "and the Department of Motor Vehicles and Public Safety".

Amend sec. 2, page 2, line 15, by deleting the period and inserting: "or the Department of Motor Vehicles and Public Safety.".

Amend sec. 2, page 2, line 17, after "Taxation" by inserting: "and the Department of Motor Vehicles and Public Safety".

Amend sec. 2, page 2, line 19, by deleting the semicolon and inserting: "and the Department of Motor Vehicles and Public Safety;".

Amend sec. 2, page 2, line 20, by deleting "Taxation," and inserting: "Taxation and the Department of Motor Vehicles and Public Safety,".

Amend sec. 2, page 2, line 24, after "Taxation" by inserting: "and the Department of Motor Vehicles and Public Safety".

Amend the title of the bill, second line, after "Taxation" by inserting: "and the Department of Motor Vehicles and Public Safety,".

Amend the summary of the bill, second line, after "Taxation" by inserting: "and Department of Motor Vehicles and Public Safety,".

Assemblywoman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 204.

Remarks by Assemblywoman Lambert and Giunchigliani.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 242, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Buckley.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Giunchigliani and Close as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 242.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 617, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 182, 201, 204, 219, 378, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 636, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 3, 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 667—An Act relating to county hospital districts; making certain technical changes required to carry out the provisions of Assembly Bill No. 600 of this session; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 341 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 266.

The following Senate amendment was read:

Amendment No. 987.

Amend section 1, page 1, between lines 9 and 10 by inserting:

"3. For programs, personnel and educational services designed to meet the special educational needs of American Indian children and culturally diverse children, including children whose native language is not English:

For the fiscal year 1997-1998..... $148,989

For the fiscal year 1998-1999..... $171,120

The money appropriated pursuant to this subsection must be used by the department to employ one educational consultant to serve the special needs of American Indian children, one educational consultant to serve the special needs of culturally diverse children, including children whose native language is not English, and one part-time secretary, and for travel, equipment and operational expenses related thereto.".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. The Department of Education shall evaluate the programs for American Indian children and culturally diverse children, including children whose native language is not English, that are funded by the appropriation made pursuant to subsection 3 of section 1 of this act, and report its findings to the 70th session of the Nevada Legislature on or before March 15, 1999. The report must include an evaluation of the effect such programs have had on meeting the special needs of such children and increasing the participation

of such children in school programs that assist them in achieving high educational standards.".

Amend the title of the bill by deleting the second and third lines and inserting: "broadcasting stations, for the Governor's Advisory Council on Education Relating to the Holocaust, and for programs, personnel and educational services for American Indian children and culturally diverse children; and providing other matters properly relating thereto.".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 266.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 3, 376 be placed on the General File.

Remarks by Assemblyman Perkins.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 3.

Bill read third time.

Remarks by Assemblymen Segerblom and Freeman.

Roll call on Assembly Bill No. 3:

YEAS — 41.

NAYS — None.

Not voting — Parks.

Assembly Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 376.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Hickey.

Roll call on Assembly Bill No. 376:

YEAS — 42.

NAYS — None.

Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 663, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Assemblyman Perkins moved that the Assembly recess until 4:30 p.m.
Motion carried.

Assembly in recess at 12:17 p.m.

ASSEMBLY IN SESSION

At 4:49 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which were referred Assembly Bill No. 504; Senate Bill No. 105, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 198, 646, 665.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 26, 126, 210, 419, 456, 457 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 56.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 485.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 3, 40, 211, 458, 488.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 53, 63.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 53.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 63.

Assemblyman Perkins moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 3.

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

Motion carried.

Senate Bill No. 40.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 211.

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

Motion carried.

Senate Bill No. 458.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 485.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 488.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 504, 617, 636, 663; Senate Bills Nos. 105, 266 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 545, 609 be placed on the General File.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 58 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 504.

Bill read second time.

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

Amendment No. 1102.

Amend sec. 2, page 1, by deleting line 6 and inserting: "*district, university or community college with which the teacher is employed, and is not specifically covered by any other provisions of chapters 616A to 616D, inclusive, of NRS, while engaging in that work, shall be*".

Amend sec. 2, page 1, line 8, by deleting "*district*" and inserting "*district, university*".

Amend sec. 3, pages 1 and 2, by deleting lines 14 through 17 on page 1 and lines 1 through 11 on page 2 and inserting: "*purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of that employer at the wage of $900 per month. The pupil is entitled to the benefits of those chapters when the employer complies with the provisions of those chapters and the regulations adopted pursuant thereto.*

2. A person who is insured by the system and is deemed to be the employer of a pupil pursuant to subsection 1 shall:

(a) Report to the insurer the name of the pupil and the classification of risk assigned for the pupil; and

(b) Pay the premium for each month or portion thereof for which the pupil performs work without pay for the employer.".

Amend the bill as a whole by deleting sections 5 and 6, renumbering sections 7 and 8 as sections 9 and 10 and adding new sections designated sections 5 through 8, following sec. 4, to read as follows:

"Sec. 5. NRS 616A.135 is hereby amended to read as follows:

616A.135 Persons [other than students] who, under a written agreement between a public agency and a private organization, perform volunteer work for a private organization as part of a public program and who are not specifically covered by any other provisions of chapters 616A to 616D, inclusive, of NRS, while engaging in that volunteer work, may be deemed by the system, or by a self-insured employer or an employer who is a member of an association of self-insured public or private employers, for the purposes of those chapters, as employees of the public agency at a wage of $100 per month. Such persons are entitled to the benefits of those chapters when the public agency complies with the provisions of those chapters and the regulations adopted under them.

Sec. 6. NRS 616A.215 is hereby amended to read as follows:

616A.215 [Any]

1. Except as otherwise provided in subsection 3, any person who is an apprentice shall be deemed *for the purposes of chapters 616A to 616D, inclusive, of NRS to be* an employee [who is receiving] *of an apprenticeship committee registered with the state apprenticeship council at* a wage of $150 per month [for the purposes of chapters 616A to 616D, inclusive, of NRS. Any injury to the apprentice which occurs in the course of instruction required as a part of his apprenticeship shall be deemed to have occurred in the course of his employment and he is therefore entitled to the benefits of those chapters, if he is not employed elsewhere and] *while* he is:

[1.] *(a)* Attending a class for vocational training; or

[2.] *(b)* Receiving bona fide instruction as an apprentice,

under the direction of [an] *the* apprenticeship committee . [registered with the state apprenticeship council.] *Such an apprentice is entitled to the benefits of chapters 616A to 616D, inclusive.*

2. A person who is an apprentice shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an employer who is participating in a program of training and instruction as an apprentice approved pursuant to chapter 610 of NRS while:

(a) The apprentice is performing work for that employer; and

(b) The employer is paying the apprentice a wage for the work performed. The apprentice shall be deemed to be an employee at a wage equal to his average monthly wage as determined pursuant to the regulations adopted by the administrator pursuant to NRS 616C.420 and is entitled to the benefits of chapters 616A to 6161D, inclusive, of NRS.

3. If an apprentice who is employed by an employer participating in a program of training and instruction is injured while he is deemed to be an

employee of the apprenticeship committee pursuant to subsection 1 and the apprentice is unable to work for an employer participating in the program solely because of that injury, the apprentice shall be deemed to be an employee of the apprenticeship committee at a wage of $150 per month or at his average monthly wage as determined pursuant to the regulations adopted by the administrator pursuant to NRS 616C.420, whichever is greater.

Sec. 7. Section 39 of chapter 580, Statutes of Nevada 1995, at page 2008, is hereby amended to read as follows:

Sec. 39. NRS 616A.135 is hereby amended to read as follows:

616A.135 Persons who, under a written agreement between a public agency and a private organization, perform volunteer work for a private organization as part of a public program and who are not specifically covered by any other provisions of chapters 616A to 616D, inclusive, of NRS, while engaging in that volunteer work, may be deemed by [the system, or by a self-insured employer or an employer who is a member of an association of self-insured public or private employers,] *an insurer,* for the purposes of those chapters, as employees of the public agency at a wage of $100 per month. Such persons are entitled to the benefits of those chapters when the public agency complies with the provisions of those chapters and the regulations adopted [under] *pursuant to* them.

Sec. 8. If the premium for industrial insurance for an apprenticeship committee registered with the state apprenticeship council is increased as a result of the amendatory provisions of section 6 of this act, the apprenticeship committee shall require the employers who are participating in the program to pay the costs of the increased premium:

1. In proportion to the number of apprentices each employer has enrolled in the program; or

2. In such other manner as the apprenticeship committee deems appropriate.".

Amend the title of the bill to read as follows: "An Act relating to industrial insurance; providing for industrial insurance coverage for pupils and teachers participating in the program to provide pupils with the skills to make the transition from school to work and for students who are performing certain types of volunteer work; revising the provisions governing industrial insurance coverage for a person who is an apprentice; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes to provisions governing industrial insurance. (BDR 53-954)".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 617.

Bill read second time.

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

Amendment No. 1100.

Amend section 1, page 1, line 4, after "*or*" by inserting: "*a manager of the*".

Amend section 1, page 1, line 6, after "officer" by inserting ", *manager*".

Amend section 1, page 1, line 10, after "officer" by inserting ", *manager*".

Amend section 1, page 1, line 14, after "officer" by inserting "*or manager*".

Amend section 1, page 1, line 15, after "officer" by inserting ", *manager*".

Amend section 1, page 1, line 19, after "officer" by inserting "*or manager*".

Amend section 1, page 2, line 1, after "officer" by inserting "*or manager*".

Amend section 1, page 2, by deleting line 2 and inserting: "officer , *manager* or employee of the corporation [,] *or company,* the officer *or manager* shall be".

Amend sec. 2, page 2, line 21, after "*or*" by inserting: "*a manager of the*".

Amend sec. 2, page 2, line 28, after "officer" by inserting "*or manager*".

Amend sec. 2, page 2, line 32, after "officer" by inserting "*or manager*".

Amend sec. 3, page 2, line 38, after "or" by inserting: "a manager of the".

Amend sec. 3, page 3, line 1, after "officer" by inserting "or manager".

Amend sec. 3, page 3, line 5, after "officer" by inserting "or manager".

Amend sec. 4, page 3, line 15, after "or" by inserting: "a manager of the".

Amend sec. 4, page 3, line 16, by deleting "officer" and inserting "officer, manager".

Amend sec. 4, page 3, line 20, by deleting "officer" and inserting "officer, manager".

Amend sec. 4, page 3, line 24, after "officer" by inserting "or manager".

Amend sec. 4, page 3, line 25, by deleting "officer" and inserting "officer, manager".

Amend sec. 4, page 3, line 29, after "officer" by inserting "or manager".

Amend sec. 4, page 3, line 32, after "officer" by inserting "or manager".

Amend sec. 4, page 3, line 33, by deleting "officer" and inserting "officer, manager".

Amend sec. 4, page 3, line 34, after "officer" by inserting "or manager".

Amend the title of the bill, first line, by deleting "officers" and inserting "managers".

Amend the summary of the bill, first line, by deleting "officers" and inserting "managers".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 636.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1012.

Amend section 1, page 1, by deleting line 2 and inserting: "the Department of Administration the sum of $200,000 for allocation to:".

Amend section 1, page 1, line 3, by deleting "$200,000" and inserting "$150,000".

Amend section 1, page 1, line 4, by deleting "$100,000" and inserting "$50,000".

Amend sec. 2, page 1, line 7, after "counties." by inserting: "Not more than 10 percent of the money may be used by the MeFiYi Foundation for administrative costs.".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. On or before January 15, 1999, the Director of the Department of Administration shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the 70th session of the Nevada Legislature. The report must include a listing of the contributions made to the MeFiYi Foundation pursuant to section 2 of this act, the use of those contributions by the MeFiYi Foundation and the benefits achieved from the use of the contributions.".

Amend the title of the bill to read as follows: "An Act making an appropriation to the Department of Administration for the support of amateur athletics and recreational programs in certain larger counties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes appropriation to Department of Administration for support of amateur athletics and recreational programs in certain larger counties. (BDR S-1832)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 663.

Bill read second time.

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

Amendment No. 1101.

Amend section 1, page 1, by deleting lines 5 through 8 and inserting: "*regulations adopted pursuant to those chapters, may order the attorney or representative of a party to pay any costs that are incurred by the hearings division of the department of administration for a court reporter or an interpreter.*".

Amend section 1, page 1, line 10, by deleting "*party,*".

Amend section 1, page 1, line 11, after "*representative*" by inserting: "*of a party*".

Amend the title of the bill to read as follows: "An Act relating to industrial insurance; authorizing an appeals officer in a proceeding relating to industrial insurance to order the attorney or representative of a party to pay certain costs for causing a continuance or delay of a scheduled hearing under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Authorizes appeals officer in proceeding relating to industrial insurance to order attorney or representative of party to pay certain costs for causing continuance or delay of hearing. (BDR 53-1587)".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 105.

Bill read second time.

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

Amendment No. 989.

Amend sec. 3, page 1, by deleting line 15 and inserting:

"*(a) A certificate issued by the system pursuant to NRS 616B.200;*".

Amend the bill as a whole by renumbering sec. 8 as sec. 9, and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. Chapter 616D of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.".

Amend sec. 8, page 4, by deleting lines 14 through 16 and inserting:

"Sec. 9. *1. An insurer, organization for managed care, health care provider,*".

Amend sec. 8, page 4, line 22, by deleting "*Made*" and inserting "*Knowingly made*".

Amend sec. 8, page 4, line 28, after "*which*" by inserting: "*the provider knows*".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 11 and 12 and adding a new section designated sec. 10, following sec. 8, to read as follows:

"Sec. 10. *The administrator and the fraud control unit for industrial insurance established pursuant to NRS 228.420 shall establish procedures to ensure that:*

1. The administrator reports to the unit any violations of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive, of which the administrator becomes aware;

2. For the purposes of NRS 616D.120, the unit notifies the administrator in a timely manner whether the unit will prosecute a person who has violated the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

3. The administrator and the unit share all other information of which they are aware relating to violations of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive.".

Amend the bill as a whole by renumbering sections 11 and 12 as sections 14 and 15 and inserting a new section designated sec. 13, following sec. 10, to read as follows:

"Sec. 13. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the [manager] *administrator* finds that an employer within the provisions of NRS 616B.633 has failed to provide and secure compensation as required by the terms of chapters 616A to 616D, inclusive, of NRS or that the employer has provided and secured that compensation but has failed to maintain it, he shall make a determination thereon and may charge the employer an amount equal to the sum of:

(a) The premiums that would otherwise have been owed to the system pursuant to the terms of chapters 616A to 616D, inclusive, of NRS for the period that the employer was doing business in this state without providing, securing or maintaining that compensation, but not to exceed 6 years;

(b) The actual costs incurred by the system in reinstating the policy, but not to exceed 10 percent of the premiums owed by the employer; and

(c) Interest at a rate determined pursuant to NRS 17.130 computed from the time that the premiums should have been paid.

2. The [manager] *administrator* shall mail a copy of his determination to the employer. An employer who is aggrieved by the [manager's] determination *of the administrator* may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

3. Any employer within the provisions of NRS 616B.633 who fails to provide, secure or maintain compensation as required by the terms of chapters 616A to 616D, inclusive, of NRS, is:

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

(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a category D felony and shall be punished as provided in NRS 193.130.

Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.".

Amend the bill as a whole by deleting sec. 13, renumbering sections 14 through 16 as sections 18 through 20 and adding new sections designated sections 16 and 17, following sec. 12, to read as follows:

"Sec. 16. Section 3 of this act is hereby amended to read as follows:

Sec. 3. 1. Each employer shall ensure that:

(a) A certificate [issued by the system pursuant to NRS 616B.200;] *of insurance provided pursuant to section 2 of this act;*

(b) A certificate issued by the commissioner pursuant to NRS 616B.312; or

(c) A certificate issued to an association of self-insured public or private employers by the commissioner pursuant to NRS 616B.359 and a certificate or letter issued by such an association verifying that the employer is a member in good standing of the association,

is posted in a conspicuous location at each of the employer's places of business, including, without limitation, each location at which the employer has directed one or more employees to perform work.

2. An employer who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 17. Section 18 of Senate Bill No. 133 of this session is hereby amended to read as follows:

Sec. 18. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the manager finds that an employer within the provisions of NRS 616B.633 has failed to provide and secure compensation as required by the terms of chapters 616A to 616D, inclusive, of NRS or that the employer has provided and secured that compensation but has failed to maintain it, he shall make a determination thereon and may charge the employer an amount equal to the sum of:

(a) The premiums that would otherwise have been owed to the system pursuant to the terms of chapters 616A to 616D, inclusive, of NRS for the period that the employer was doing business in this state without providing, securing or maintaining that compensation, but not to exceed 6 years;

(b) The actual costs incurred by the system in reinstating the policy, but not to exceed 10 percent of the premiums owed by the employer; and

(c) Interest at a rate determined pursuant to NRS 17.130 computed from the time that the premiums should have been paid.

2. The manager shall mail a copy of his determination to the employer. An employer who is aggrieved by the manager's determination may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

3. Any employer within the provisions of NRS 616B.633 who fails to provide, secure or maintain compensation as required by the terms of chapters 616A to 616D, inclusive, of NRS, is:

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

(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a *category D* felony [, punishable by imprisonment in the state prison for a definite term of not less than 1 year nor more than 5 years or by a fine of not more than $10,000, or by both fine and imprisonment. A person who is sentenced to imprisonment becomes eligible for parole when he has served one-third of the definite term for which he has been sentenced, less any credit earned to reduce his sentence pursuant to chapter 209 of NRS.] *and shall be punished as provided in NRS 193.130.*

Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.".

Amend sec. 14, page 10, by deleting line 28 and inserting:

"2. Section 20 of Senate Bill No. 133 of this session is hereby repealed.

3. Sections 55 and 104 of chapter 580, Statutes of Nevada 1995, at pages 2012 and 2032, respectively, are".

Amend the bill as a whole by deleting sec. 17 and adding a new section designated sec. 21, following sec. 16, to read as follows:

"Sec. 21. 1. This section and sections 1, 3 to 12, inclusive, 14, 15, 17, 19 and 20 of this act, and subsections 2 and 3 of section 18 of this act, become effective on July 1, 1997.

2. Section 13 of this act becomes effective on July 1, 1998.

3. Sections 2 and 16 of this act, and subsection 1 of section 18 of this act, become effective on July 1, 1999.".

Amend the text of repealed sections by adding the text of section 20 of Assembly Bill No. 133 of this session and section 104 of chapter 580, Statutes of Nevada 1995:

"Section 20 of Assembly Bill No. 133 of this session:

Sec. 20. Section 104 of chapter 580, Statutes of Nevada 1995, at page 2032, is hereby amended to read as follows:

Sec. 104. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the [manager] *administrator* finds that an employer within the provisions of NRS 616B.633:

(a) Has failed to provide and secure compensation as required by the terms of this chapter; or

(b) Has provided and secured such compensation but has failed to maintain that compensation,

he shall make a determination thereon *based on any information that is within his possession or that may come within his possession* and may charge the employer an amount of not more than three times the premiums that would otherwise have been owed to the system *if he had been insured by the system* pursuant to the terms of this chapter for the period that the employer was doing business in this state without providing, securing or maintaining that compensation, but not to exceed 6 years. *Any money collected by the administrator pursuant to this subsection must be deposited into the uninsured employers' claim fund.*

2. [The manager shall mail a copy of his determination to the employer.] *If the manager is not satisfied with the amount of a premium required to be paid to the system by any person, he may compute and determine the amount required to be paid on the basis of any information within his possession or which may come into his possession. One or more determinations of a deficiency may be made of the amount due for one or more periods.*

3. Except for a determination made pursuant to subsection 1, a notice of a determination of a deficiency issued by the manager must be served personally or mailed within 3 years after the last day of the calendar month following the period for which the amount that is proposed to be determined is due. An employer who is aggrieved by [the manager's] *a* determination *made pursuant to this section or NRS 360.300* may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

[3.] *4.* Any employer within the provisions of NRS 616B.633 who fails to provide, secure or maintain compensation as required by the terms of this chapter, is:

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

(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a category D felony and shall be punished as provided in NRS 193.130.

Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.

Section 104 of chapter 580, Statutes of Nevada 1995:

Sec. 104. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the [manager] *administrator* finds that an employer within the provisions of NRS 616B.633 has failed to provide and secure compensation as required by the terms of this chapter, he shall make a determination thereon *based on any information that is within his possession or that may come within his possession* and charge the employer an amount [equal to] *of not more than* three times the premiums that would otherwise have been owed to the system *if he had been insured by the system* pursuant to the terms of this chapter for the period that the employer was doing business in this state without providing or securing compensation, but not to exceed 6 years. *Any money collected by the administrator pursuant to this subsection must be deposited into the uninsured employers' claim fund.*

2. [The manager shall mail a copy of his determination to the employer.] *If the manager is not satisfied with the amount of a premium required to be paid to the system by any person, he may compute and determine the amount required to be paid on the basis of any information within his possession or which may come into his possession. One or more determinations of a deficiency may be made of the amount due for one or more periods.*

3. Except for a determination made pursuant to subsection 1, a notice of a determination of a deficiency issued by the manager must be served personally or mailed within 3 years after the last day of the calendar month following the period for which the amount that is proposed to be determined is due. An employer who is aggrieved by [the manager's] *a* determination *made pursuant to this section or NRS 360.300* may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

[3.] *4.* Any employer within the provisions of NRS 616B.633 who fails to provide and secure compensation as required by the terms of this chapter, is:

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

(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a gross misdemeanor.

Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.".

Amend the title of the bill, line 8, after "practices;" by inserting: "requiring the administrator and the fraud control unit to establish certain procedures relating to the enforcement of the provisions prohibiting fraudulent practices;".

Assemblywoman Krenzer moved that Senate Bill No. 105 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Krenzer.

Motion carried.

Senate Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 1108.

Amend bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

"Section 1. Chapter 459 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. Except as otherwise provided in this section and NRS 459.3814, the provisions of NRS 459.380 to 459.3874, inclusive, and this section apply to a regulated facility that produces, uses, stores or handles a highly hazardous substance in a quantity:*

(a) Equal to or greater than the amount set forth in NRS 459.3816; or

(b) Less than the amount set forth in NRS 459.3816 if there are two or more releases from the regulated facility of the same or different highly hazardous substances during any 12-month period and:

(1) The release of the highly hazardous substances is reportable pursuant to 40 C.F.R. Part 302; or

(2) Each quantity released is equal to or greater than a maximum quantity allowable as established by regulation of the state environmental commission.

2. A regulated facility described in paragraph (b) of subsection 1 is exempt from complying with the provisions of NRS 459.380 to 459.3874, inclusive, and this section if:

(a) The division determines that the regulated facility has:

(1) Carried out the detailed plan to abate hazards recommended pursuant to subsection 8 of NRS 459.3852; and

(2) Complied with such other provisions of NRS 459.380 to 459.3874, inclusive, and this section, and the regulations adopted pursuant thereto, as the division requires; and

(b) The regulated facility obtains an exemption from the state environmental commission. The state environmental commission shall adopt by regulation the procedures for obtaining such an exemption.

3. As used in this section, "highly hazardous substance" means any substance designated as such in NRS 459.3816 or any regulations adopted pursuant thereto.

Sec. 3. *1. The state department of conservation and natural resources may, in accordance with the authority granted to it pursuant to NRS 445B.205, apply for and accept any delegation of authority and any grant of money from the Federal Government for the purpose of establishing and*

carrying out a program to prevent and minimize the consequences of the accidental release of hazardous substances in accordance with the provisions of 42 U.S.C. § 7412(r).

2. The state environmental commission may adopt such regulations as it determines are necessary to establish and carry out such a program. The regulations must:

(a) Establish a list of hazardous substances and the quantities thereof that will be regulated pursuant to the program.

(b) Provide that the provisions of NRS 459.3824, 459.3826 and 459.3828 apply to all facilities regulated pursuant to the program.

(c) Provide that a person who violates any such regulation or the provisions of NRS 459.3824, 459.3826 or 459.3828 is, in addition to any penalty that may apply pursuant to section 4 of this act, subject to a civil administrative penalty not to exceed $10,000 per day of the violation, and that each day on which the violation continues constitutes a separate and distinct violation. Any penalty imposed pursuant to this paragraph may be recovered with costs in a summary proceeding by the attorney general.

3. The division of environmental protection of the state department of conservation and natural resources:

(a) Shall carry out and enforce the provisions of the program.

(b) May enter into cooperative agreements with other agencies of this state for the enforcement of specific provisions of the program.

4. The division of environmental protection of the state department of conservation and natural resources may compromise and settle any claim for any penalty under this section in such amount in the discretion of the division as may appear appropriate and equitable under all of the circumstances, including the posting of a performance bond by the violator. If a violator is subject to the imposition of more than one civil administrative penalty for the same violation, the division shall compromise and settle the claim for the penalty under this section in such amount as to avoid the duplication of penalties.

5. If a person violates any regulation adopted pursuant to subsection 2, or the provisions of NRS 459.3824, 459.3826 or 459.3828, the division of environmental protection of the state department of conservation and natural resources may institute a civil action in a court of competent jurisdiction for injunctive or any other appropriate relief to prohibit and prevent the violation and the court may proceed in the action in a summary manner.

Sec. 4. *1. A person subject to the regulations adopted by the state department of conservation and natural resources pursuant to section 3 of this act shall not knowingly:*

(a) Violate any such regulation or the provisions of NRS 459.3824, 459.3826 or 459.3828;

(b) Make any false material statement, representation or certification in any required form, notice or report; or

(c) Render inaccurate any required monitoring device or method.

2. A person who violates subsection 1 shall be punished by a fine of not more than $10,000 per day of the violation, and each day on which the violation continues constitutes a separate and distinct violation.

Sec. 5. NRS 459.3808 is hereby amended to read as follows:

459.3808 "Hazard" means a characteristic of a:

1. Highly hazardous substance designated *as such* in NRS 459.3816 [;] *or any regulations adopted pursuant thereto;*

2. System involving the use of such a highly hazardous substance;

3. Manufacturing plant using or producing a highly hazardous substance; or

4. Process relating to a highly hazardous substance,

which makes possible a chemical accident.

Sec. 6. NRS 459.3814 is hereby amended to read as follows:

459.3814 The provisions of NRS 459.380 to 459.3874, inclusive, *and section 2 of this act* do not apply to:

1. The transportation of any hazardous substances within or through this state which is regulated by the state or the United States Department of Transportation.

2. Any final use of anhydrous ammonia for an agricultural purpose, including storage of the substance on the premises of a farm.

3. Activities which are regulated pursuant to both 30 U.S.C. §§ 801 et seq. and 42 U.S.C. [§§ 7401 et seq.] *§ 7412(r).*

Sec. 7. NRS 459.3816 is hereby amended to read as follows:

459.3816 1. The following substances are designated as highly hazardous, if present in the quantity designated after each substance or a greater quantity:

Chemical Name of Substance	Number Assigned by Chemical Abstract Service	Quantity (In pounds)
Acetaldehyde	75-07-0	2500
Acrolein (2-Propenal)	107-02-8	150
[Acrytyl] *Acrylyl* Chloride	814-68-6	250
Allyl Chloride	107-05-1	1000
Allylamine	107-11-9	1500
Alkylaluminums	None	5000
Ammonia, Anhydrous	7664-41-7	5000
Ammonia solutions (44% ammonia by weight)	7664-41-7	10000
Ammonium Perchlorate	7790-98-9	7500
Ammonium Permanganate	7787-36-2	7500
Arsine (also called Arsenic Hydride)	7784-42-1	100

Bis (Chloromethyl) Ether	542-88-1	100
Boron Trichloride	10294-34-5	2500
Boron Trifluoride	7637-07-2	250
Bromine	7726-95-6	1500
Bromine Chloride	13863-41-7	1500
Bromine Pentafluoride	7789-30-2	2500
Bromine Trifluoride	7787-71-5	15000
3-Bromopropyne (also called Propargyl Bromide)	106-96-77	500
Butyl Hydroperoxide (Tertiary)	...75-91-2	5000
Butyl Perbenzoate (Tertiary)	614-45-9	7500
Carbonyl Chloride (see Phosgene)	75-44-5	100
Carbonyl Fluoride	353-50-4	2500
Cellulose Nitrate (concentration 12.6% Nitrogen)	9004-70-0	2500
Chlorine	7782-50-5	1500
Chlorine Dioxide	10049-04-4	1000
Chlorine Pentafluoride	13637-63-3	1000
Chlorine Trifluoride	7790-91-2	1000
Chlorodiethylaluminum (also called Diethylaluminum Chloride	96-10-6	5000
1-Chloro-2,4-Dinitrobenzene	97-00-7	5000
Chloromethyl Methyl Ether	107-30-2	500
Chloropicrin	76-06-2	500
Chloropicrin and Methyl Bromide mixture	None	1500
Chloropicrin and Methyl Chloride mixture	None	1500
Cumene Hydroperoxide	80-15-9	5000
Cyanogen	460-19-5	2500
Cyanogen Chloride	506-77-4	500
Cyanuric Fluoride	675-14-9	100
Diacetyl Peroxide (concentration 70%)	110-22-5	5000
Diazomethane	334-88-3	500
Dibenzoyl Peroxide	94-36-0	7500
Diborane	19287-45-7	100
Dibutyl Peroxide (Tertiary)	110-05-4	5000
Dichloro Acetylene	7572-29-4	250
Dichlorosilane	4109-96-0	2500
Diethylzinc	557-20-0	10000
Diisopropyl Peroxydicarbonate	[105-64-8] *105-64-6*	7500
Dilauroyl Peroxide	105-74-8	7500
Dimethyl Sulfide	75-18-3	100
Dimethyldichlorosilane	75-78-5	1000
Dimethylhydrazine, 1.1-	57-14-7	1000
Dimethylamine, Anhydrous	124-40-3	2500

Ethyl Methyl Ketone Peroxide (also Methyl Ethyl Ketone Peroxide; concentration 60%)	1338-23-4		5000
Ethyl Nitrite	109-95-5		5000
Ethylamine	75-04-7		7500
Ethylene Fluorohydrin	371-62-0		100
Ethylene Oxide	75-21-8		5000
Ethyleneimine	151-56-4		1000
Fluorine	7782-41-4		1000
Formaldehyde (concentration 90%)	50-00-0		1000
Furan	110-00-9		500
Hexafluoroacetone	684-16-2		5000
Hydrochloric Acid, Anhydrous	7647-01-0		5000
Hydrofluoric Acid, Anhydrous	7664-39-3		1000
Hydrogen Bromide	10035-10-6		5000
Hydrogen Chloride	7647-01-0		5000
Hydrogen Cyanide, Anhydrous	74-90-8		1000
Hydrogen Fluoride	7664-39-3		1000
Hydrogen Peroxide (52% by weight or more)	7722-84-1		7500
Hydrogen Selenide	7783-07-5		150
Hydrogen Sulfide	7783-06-4		1500
Hydroxylamine	7803-49-8		2500
Iron, Pentacarbonyl-	13463-40-6		250
Isopropyl Formate	625-55-8		500
Isopropylamine	75-31-0		5000
Ketene	463-51-4		100
Methacrylaldehyde	78-85-3		1000
Methacryloyl Chloride	920-46-7		150
Methacryloyloxyethyl Isocyanate	30674-80-7		100
Methyl Acrylonitrile	126-98-7		250
Methylamine, Anhydrous	74-89-5		1000
Methyl Bromide	74-83-9		2500
Methyl Chloride	74-87-3		15000
Methyl Chloroformate	79-22-1		500
Methyl Disulfide	624-92-0		100
Methyl Ethyl Ketone Peroxide (concentration 60%)	1338-23-4		5000
Methyl Fluoroacetate	453-18-9		100
Methyl Fluorosulfate	421-20-5		100
Methyl Hydrazine	[80-34-4]	*60-34-4*	100
Methyl Iodide	74-88-4		7500
Methyl Isocyanate	624-83-9		250
Methyl Mercaptan	74-93-1		5000
Methyl Vinyl Ketone	78-94-4		100

Methyltrichlorosilane	75-79-6		500
Nickel Carbonyl (Nickel Tetracarbonyl)	13463-39-3		150
Nitric Acid (94.5% by weight or greater)	7697-37-2		500
Nitric Oxide	10102-43-9		250
Nitroaniline (para Nitroaniline)	100-01-6		5000
Nitromethane	75-52-5		2500
Nitrogen Dioxide	10102-44-0		250
Nitrogen Oxides (NO; NO_2; N_2O_4; N_2O_3)	10102-44-0		250
Nitrogen Tetroxide (also called Nitrogen Peroxide)	10544-72-6		250
Nitrogen Trifluoride	7783-54-2		5000
Nitrogen Trioxide	10544-73-7		250
Oleum (65% [to 80% by weight;] *or greater by weight of sulfur trioxide;* also called Fuming Sulfuric Acid)	[8014-94-7]	*8014-95-7*	1000
Osmium Tetroxide	20816-12-0		100
Oxygen Difluoride (Fluorine Monoxide)	7783-41-7		100
Ozone	10028-15-6		100
Pentaborane	19624-22-7		100
Peracetic Acid (also called Peroxyacetic Acid)	79-21-0		5000
Perchloric Acid (concentration 60%)	7601-90-3		5000
Perchloromethyl Mercaptan	594-42-3		150
Perchloryl Fluoride	7616-94-6		5000
Peroxyacetic Acid (concentration 60%; also called Peracetic Acid)	79-21-0		5000
Phosgene (also called Carbonyl Chloride)	75-44-5		100
Phosphine (Hydrogen Phosphide)	7803-51-2		100
Phosphorus Oxychloride (also called Phosphoryl Chloride)	10025-87-3		1000
Phosphorus Trichloride	7719-12-2		1000
Phosphoryl Chloride (also called Phosphorus Oxychloride)	10025-87-3		1000
Propargyl Bromide	106-96-7		7500
Propyl Nitrate	[627-3-4]	*627-13-4*	2500
Sarin	107-44-8		100
Selenium Hexafluoride	7783-79-1		1000
Stibine (Antimony Hydride)	7803-52-3		500
Sulfur Dioxide (liquid)	7446-09-5		1000
Sulfur Pentafluoride	5714-22-7		250
Sulfur Tetrafluoride	7783-60-0		250
Sulfur Trioxide (also called Sulfuric Anhydride)	7446-11-9		1000

Sulfuric Anhydride (also called Sulfur Trioxide)	7446-11-9	1000
Tellurium Hexafluoride	7783-80-4	250
Tetrafluoroethylene	116-14-3	5000
Tetrafluorohydrazine	10036-47-2	5000
Tetramethyl Lead	75-74-1	7500
Thionyl Chloride	7719-09-7	250
Titanium Tetrachloride	*7550-45-0*	*2500*
Trichloro(chloromethyl) Silane	1558-25-4	100
Trichloro(dichlorophenyl) Silane	[21737-85-5] *27137-85-5*	2500
Trichlorosilane	10025-78-2	5000
Trifluorochloroethylene	79-38-9	10000
Trimethyoxysilane	2487-90-3	1500

2. The division, in consultation with *the health districts created pursuant to NRS 439.370,* the health division of the department of human resources and the division of industrial relations of the department of business and industry , shall regularly examine the sources of information available to it with regard to potentially highly hazardous substances. The division shall, by regulation, add to the list of highly hazardous substances any chemical that is identified as being used, manufactured, stored, or capable of being produced, at a facility, in sufficient quantities at a single site, that its release into the environment would produce a significant likelihood that persons exposed would suffer death or substantial bodily harm as a consequence of the exposure.

Sec. 8. NRS 459.3846 is hereby amended to read as follows:

459.3846 1. The person who conducted the assessment shall prepare and provide to the division and the facility a written report of assessment of the risk through analysis of the hazard, which must use as its standard the best available technology for control and must include findings, conclusions and recommendations.

2. The report must be written in a format that will permit its publication. To the extent that any portion of the report requires discussion of trade secrets, that information must be contained in a severable addendum to the report. In writing the report, the person who conducted the assessment shall, while protecting trade secrets, include in the publishable portion of the report sufficient information, in clear and comprehensible nontechnical language, to enable a member of the public to understand the significance of the report's findings, conclusions and recommendations.

3. *A plan or report required pursuant to 42 U.S.C. § 7412(r), or any regulations adopted pursuant thereto, that is substantially equivalent to the report required pursuant to subsections 1 and 2 shall be deemed to satisfy the requirements of subsections 1 and 2.*

4. A trade secret is entitled to protection under this section only if:

(a) The registrant of the facility has not disclosed the information to any other person, other than a member of a local emergency planning committee, an officer or employee of the United States or a state or local government, an employee of such a person, or a person who is bound by an agreement of confidentiality, and the registrant has taken reasonable measures to protect the confidentiality of the information and intends to continue to take such measures;

(b) The information is not required to be disclosed, or otherwise made available, to the public under any other federal or state law;

(c) Disclosure of the information is likely to cause substantial harm to the competitive position of the registrant; and

(d) The chemical identity of a substance, if that is the trade secret, is not readily discoverable through analysis of the product containing it or scientific knowledge of how such a product must be made.

Sec. 9. NRS 459.705 is hereby amended to read as follows:

459.705 1. Every person who transports in a motor vehicle upon the highways of this state hazardous materials which are required to be placarded in accordance with federal law shall, pursuant to regulations of the department:

(a) Obtain from the division a permit to transport the hazardous materials.

(b) Submit each motor vehicle used to transport the hazardous materials for an inspection pursuant to the regulations of the department as to the safety of the vehicle to transport hazardous materials.

2. [The] *Except as otherwise provided in subsection 3, the* department shall adopt regulations concerning such permits. The regulations may require that the permit or a legible copy of the permit be carried in the driver's compartment of the motor vehicle at all times while the vehicle is used to transport hazardous materials.

3. *The department shall not adopt any regulation requiring such a permit or requiring recordkeeping for the purposes of such a permit for a motor vehicle unless the motor vehicle is actually used to transport hazardous material:*

(a) Of a type and amount for which a vehicle transporting the substance must be placarded pursuant to 49 C.F.R. Part 172;

(b) Of a type and amount for which a uniform hazardous waste manifest is required pursuant to 40 C.F.R. Part 262;

(c) Which is transported in bulk packaging, as defined in 49 C.F.R. § 171.8; or

(d) Identified as a hazardous material pursuant to NRS 459.710.

4. In addition to complying with the provisions of this section and any regulations adopted pursuant thereto, the division shall comply with the provisions of NRS 459.707 and 459.708 if an application is submitted for a permit to transport radioactive waste.

Sec. 10. 1. This section and sections 1, 2 and 7 of this act become effective upon passage and approval.

2. Sections 3 to 6, inclusive, 8 and 9 of this act become effective on October 1, 1997.".

Amend the title of the bill, second line, after the semicolon by inserting: "prohibiting certain acts relating to the regulation of hazardous materials; authorizing a program to prevent and minimize the consequences of the accidental release of hazardous substances; providing a penalty;".

Assemblywoman de Braga moved the adoption of the amendment.

Remarks by Assemblywoman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 5:08 p.m.

ASSEMBLY IN SESSION

At 5:38 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bill No. 518; Senate Bills Nos. 313, 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 625, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 26.

The following Senate amendment was read:

Amendment No. 1030.

Amend section 1, page 1, by deleting line 2 and inserting: "687B.225 1. Except as otherwise provided in *NRS 689A.0405,*".

Amend section 1, page 1, line 3, after "*695C.1735,*" by inserting: "*and* section 19 of [this act, a] *Assembly Bill No. 156 of this session,*".

Amend section 1, page 1, line 9, by deleting "under" and inserting "pursuant to".

Amend section 1, page 1, line 11, by deleting "under" and inserting "pursuant to".

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

"Sec. 7. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 26.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 126.

The following Senate amendment was read:

Amendment No. 1015.

Amend sec. 3, page 2, lines 36 and 37, by deleting: "the effective date of this act." and inserting: "July 1, 1998.".

Amend sec. 3, page 2, line 41, by deleting: "the effective date of this act." and inserting: "July 1, 1998.".

Amend sec. 4, page 2, line 42, by deleting: "upon passage and approval." and inserting: "on July 1, 1998.".

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, Pursuant to the provisions of NRS, the tax revenue generated from one geographical area is being used to support a library district that is associated with a different geographical area; and

WHEREAS, It is equitable that the revenue generated from the taxes imposed on property located within a particular geographical area should be used to support the library district within that geographical area; and

WHEREAS, The budgets of the Clark County library district and the North Las Vegas library district have been established in compliance with the provisions of NRS; and

WHEREAS, It is not appropriate at this time to change the established sources of funding for the Clark County library district and the North Las Vegas library district because their budgets have been finalized for the next fiscal year; and

WHEREAS, It is the intent of the legislature that the additional revenue that the North Las Vegas library district will receive after July 1, 1998, will be used for library services and will supplement, rather than replace, the money that the library district receives from other sources; now, therefore,".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 126.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Freeman moved that the Assembly do not recede from its action on Senate Bill No. 209, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Freeman, Manendo and Hickey as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 209.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 625 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 625.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1118.

Amend section 1, page 1, line 1, by deleting "general" and inserting "highway".

Amend sec. 2, page 1, line 7, by deleting "general" and inserting "highway".

Amend sec. 3, page 1, by deleting lines 9 and 10 and inserting:

"Sec. 3. This act becomes effective on July 1, 1997.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 545.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1076.

Amend the bill as a whole by deleting sections 1 through 28 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, or by the commission or the department pursuant to the provisions of NRS 706.011 to 706.861, inclusive;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive;

(d) Fails to obey any order, decision or regulation of the commission or the department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive;

(g) Advertises as providing the services of a fully regulated carrier without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been canceled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the commission or department any certificate, permit, license or identifying device which has been suspended, canceled or revoked pursuant to the provisions of this chapter,

is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. A person convicted of a misdemeanor for a violation of the provisions of NRS 706.386 or 706.421 shall be punished:

(a) For the first offense by a fine of not less than $500 nor more than $1,000;

(b) For a second offense within 12 consecutive months and each subsequent offense by a fine of $1,000; or

(c) For any offense, by imprisonment in the county jail for not more than 6 months, or by both the prescribed fine and imprisonment.

3. *Any person who operates or permits the operation of a vehicle in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.391 is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, he may cause the vehicle to be towed immediately from the scene.*

4. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

[4.] *5.* Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 2. NRS 706.885 is hereby amended to read as follows:

706.885 1. Any person who knowingly makes or causes to be made, either directly or indirectly, a false statement on an application, account or other statement required by the taxicab authority or the administrator or who violates any of the provisions of NRS 706.881 to 706.885, inclusive, is guilty of a misdemeanor.

2. The taxicab authority or administrator may at any time, for good cause shown and upon at least 5 days' notice to the grantee of any certificate or driver's permit, and after a hearing unless waived by the grantee, penalize the grantee of a certificate to a maximum amount of $15,000 or penalize the grantee of a driver's permit to a maximum amount of $500 or suspend or

revoke the certificate or driver's permit granted by it or him, respectively, for:

(a) Any violation of any provision of NRS 706.881 to 706.885, inclusive, or any regulation of the taxicab authority or administrator.

(b) Knowingly permitting or requiring any employee to violate any provision of NRS 706.881 to 706.885, inclusive, or any regulation of the taxicab authority or administrator.

If a penalty is imposed on the grantee of a certificate pursuant to this section, the taxicab authority or administrator may require the grantee to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. When a driver or certificate holder fails to appear at the time and place stated in the notice for the hearing, the administrator shall enter a finding of default. Upon a finding of default, the administrator may suspend or revoke the license, permit or certificate of the person who failed to appear and impose the penalties provided in this chapter. For good cause shown, the administrator may set aside a finding of default and proceed with the hearing.

4. Any person who operates or permits a taxicab to be operated in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.8827, is guilty of a gross misdemeanor. *If a law enforcement officer witnesses a violation of this subsection, he may cause the vehicle to be towed immediately from the scene.*

5. The conviction of a person pursuant to subsection 1 does not bar the taxicab authority or administrator from suspending or revoking any certificate, permit or license of the person convicted. The imposition of a fine or suspension or revocation of any certificate, permit or license by the taxicab authority or administrator does not operate as a defense in any proceeding brought under subsection 1.

Sec. 3. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. The amendatory provisions of this act do not apply to offenses that are committed before the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows: "An Act relating to motor carriers; prohibiting a common motor carrier from operating or permitting the operation of a vehicle in passenger service without a certificate of public convenience and necessity; authorizing a law enforcement officer to tow certain vehicles being operated without a certificate of public convenience and necessity under certain circumstances; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing operation of vehicles in passenger service without a certificate of public convenience and necessity. (BDR 58-1528)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 609.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Assembly Bill No. 609:

YEAS — 40.

NAYS — Collins.

Not voting — Krenzer.

Assembly Bill No. 609 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 518:

YEAS — 42.

NAYS — None.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 455.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 455:

YEAS — 42.

NAYS — None.

Senate Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 325.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 325:

YEAS — 42.

NAYS — None.

Senate Bill No. 325 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 331.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 331:

YEAS — 42.

NAYS — None.

Senate Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 368.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Senate Bill No. 368:

YEAS — 42.

NAYS — None.

Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 446.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 446:

YEAS — 42.

NAYS — None.

Senate Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 50.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 50:

YEAS — 39.

NAYS — Freeman, Lambert, Parks — 3.

Senate Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 429.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 429:
YEAS — 42.
NAYS — None.
Senate Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 541 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 578 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 356 be placed on the Second Reading File.
Motion carried.

Assemblyman Williams moved that Senate Bill No. 320 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblyman Price moved that Senate Bill No. 424 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 6:05 p.m.

ASSEMBLY IN SESSION

At 6:26 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 33, 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

SECOND READING AND AMENDMENT

Senate Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1091.

Amend sec. 3.4, page 3, by deleting lines 38 and 39 and inserting: "*attorney or other public agency shall send a notice by first-class mail to the person who is*".

Amend sec. 5, page 5, by deleting lines 14 and 15 and inserting: "support for children shall send a notice by first-class mail to each person who [is] :".

Amend sec. 5, page 6, by deleting line 24 and inserting:

"6.] *has complied with the subpoena or warrant or has satisfied the arrearage.*

7. For the purposes of this section [:".

Amend sec. 5, page 6, by deleting lines 41 through 44 and inserting:

"(c) A] , *a* person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.".

Amend sec. 5.5, page 7, by deleting lines 3 and 4 and inserting: "support for children shall send a notice by first-class mail to each person who [:".

Amend sec. 5.5, page 8, by deleting line 9 and inserting:

"[7.] *6.* For the purposes of this section [, a] :".

Amend sec. 5.5, page 8, between lines 31 and 32, by inserting:

"*(c) A* person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.".

Amend sec. 39, page 24, lines 37 and 38, by deleting: "inclusive [.] ," and inserting: "inclusive, [and] section 1 of [this act.] *Assembly Bill No. 594 of this session*".

Amend sec. 119, page 56, line 25, by deleting "Every" and inserting: "Except as otherwise provided in section 5 of [this act,] *Senate Bill No. 355 of this session,* every".

Amend sec. 519, page 206, line 21, by deleting "119," and inserting "118,".

Amend sec. 519, page 206, line 25, after "113," by inserting "119,".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 953.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 360.291 is hereby amended to read as follows:

360.291 The legislature hereby declares that each taxpayer has the right:

1. To be treated by officers and employees of the department with courtesy, fairness, uniformity, consistency and common sense.

2. To a prompt response from the department to each communication from the taxpayer.

3. To provide the minimum documentation and other information as may reasonably be required by the department to carry out its duties.

4. To written explanations of common errors, oversights and violations that taxpayers experience and instructions on how to avoid such problems.

5. To be informed by the department whenever its officer, employee or agent determines that the taxpayer is entitled to an exemption or has been taxed or assessed more than is required by law.

6. To written instructions indicating how the taxpayer may petition for:

(a) An adjustment of an assessment; or

(b) A refund or credit for overpayment of taxes, interest or penalties.

7. To recover an overpayment of taxes promptly upon the final determination of such an overpayment.

8. To obtain specific advice from the department concerning taxes imposed by the state.

9. In any meeting with the department, including an audit, conference, interview or hearing:

(a) To an explanation by an officer or employee of the department that describes the procedures to be followed and the taxpayer's rights thereunder;

(b) To be represented by himself or anyone who is otherwise authorized by law to represent him before the department;

(c) To make an audio recording using the taxpayer's own equipment and at the taxpayer's own expense; and

(d) To receive a copy of any document or audio recording made by or in the possession of the department relating to the determination or collection of any tax for which the taxpayer is assessed, upon payment of the actual cost to the department of making the copy.

10. To a full explanation of the department's authority to assess a tax or to collect delinquent taxes, including the procedures and notices for review and appeal that are required for the protection of the taxpayer.

11. To the immediate release of any lien which the department has placed on real or personal property for the nonpayment of any tax when:

(a) The tax is paid;

(b) The period of limitation for collecting the tax expires;

(c) The lien is the result of an error by the department;

(d) The department determines that the taxes, interest and penalties are secured sufficiently by a lien on other property;

(e) The release or subordination of the lien will not jeopardize the collection of the taxes, interest and penalties;

(f) The release of the lien will facilitate the collection of the taxes, interest and penalties; or

(g) The department determines that the lien is creating an economic hardship.

12. To the release *or reduction* of a sales tax bond in accordance with applicable statutes and regulations.

13. To be free from investigation and surveillance by an officer, agent or employee of the department for any purpose that is not directly related to the administration of the provisions of this Title.

14. To be free from harassment and intimidation by an officer, agent or employee of the department for any reason.".

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "3, 4 and 5".

Amend sec. 2, page 1, by deleting line 3 and inserting: "Sec. 3. *1. An ordinance adopted by a city or county after July 1,*".

Amend sec. 2, page 1, line 8, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 2, page 1, line 9, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 2, page 1, by deleting lines 11 through 13 and inserting:

"*2. An agenda that proposes such an ordinance must include a statement indicating whether the proposed ordinance establishes a new tax or fee, or increases an existing tax or fee.*".

Amend sec. 4, page 3, line 1, by deleting "*3*" and inserting "*4* ".

Amend sec. 4, page 3, line 6, by deleting "*section 3*" and inserting "*section 4*".

Amend the bill as a whole by renumbering sec. 5 as sec. 8 and adding new sections designated sections 6 and 7, following sec. 4, to read as follows:

"Sec. 6. NRS 365.210 is hereby amended to read as follows:

365.210 1. No county, city or other political subdivision or municipal corporation may levy or collect any excise, privilege or occupation tax upon or measured by the receipt, storage, sale, distribution, transportation or use of motor vehicle fuel, fuel for jet or turbine-powered aircraft or any other inflammable or combustible liquids except:

(a) The county motor vehicle fuel tax authorized by chapter 373 of NRS.

(b) A tax on fuel for jet or turbine-powered aircraft authorized by NRS 365.203.

(c) Any motor vehicle fuel taxation in effect on January 1, 1935, in any city or town.

[(d) County and city business license taxes where otherwise authorized by law, except as otherwise provided in subsection 2.]

2. After March 25, 1991, no county, city or other political subdivision or municipal corporation responsible for the operation of an airport may impose a new tax or fee upon the sale or distribution of fuel for jet or turbine-powered aircraft except:

(a) A tax on fuel for jet or turbine-powered aircraft authorized by NRS 365.203.

(b) Any fuel flowage fee imposed upon aircraft or organizations servicing aircraft in lieu of rent for use of the terminal, landing fees or other airport charges.

Sec. 7. Section 3 of Senate Bill No. 223 of this session is hereby amended to read as follows:

Sec. 3. NRS 365.210 is hereby amended to read as follows:

365.210 1. No county, city or other political subdivision or municipal corporation may levy or collect any excise, privilege or occupation tax upon or measured by the receipt, storage, sale, distribution, transportation or use of motor vehicle fuel, fuel for jet or turbine-powered aircraft or any other inflammable or combustible liquids except:

(a) The county motor vehicle fuel tax authorized by chapter 373 of NRS.

(b) A tax on fuel for jet or turbine-powered aircraft authorized by NRS 365.203.

(c) *A tax on aviation fuel authorized by NRS 365.203.*

(d) Any motor vehicle fuel taxation in effect on January 1, 1935, in any city or town.

2. After March 25, 1991, no county, city or other political subdivision or municipal corporation responsible for the operation of an airport may impose a new tax or fee upon the sale or distribution of fuel for jet or turbine-powered aircraft except:

(a) A tax on fuel for jet or turbine-powered aircraft authorized by NRS 365.203.

(b) Any fuel flowage fee imposed upon aircraft or organizations servicing aircraft in lieu of rent for use of the terminal, landing fees or other airport charges.".

Amend sec. 5, page 3, line 11, by deleting "3" and inserting "4".

Amend sec. 5, page 3, line 19, by deleting "section 3" and inserting "section 4".

Amend the bill as a whole by adding a new section designated sec. 9, following sec. 5, to read as follows:

"Sec. 9. This act becomes effective on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to taxation; prohibiting a city or county from considering any tax on fuel or retail sales collected by a private enterprise when calculating certain fees and taxes required to be paid by that enterprise; providing certain rights for the payers of those fees and taxes; making various other changes concerning taxation; and providing other matters properly relating thereto.".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblymen Neighbors and Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 541.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 1116.

Amend section 1, page 1, line 9, by deleting: "*in a clean and safe condition*".

Amend the title of the bill, second line, after "within" by inserting "the park".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 578.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1056.

Amend sec. 3, page 2, by deleting lines 1 through 3 and inserting:

"Sec. 3. *1. The commissioner shall deliver to the secretary of state a copy of an order of the commissioner or of the district court prohibiting an insurer from transacting insurance in this state as a corporation, limited-liability company, limited partnership or limited-liability partnership.*

2. Upon receiving the order, the secretary of state shall revoke the charter of the corporation or limited-liability company or the certificate of the limited partnership or limited-liability partnership.

3. The secretary of state shall not accept for filing a document with the same name as a corporation, limited-liability company, limited partnership or limited-liability partnership whose charter or certificate has been revoked.".

Amend the bill as a whole by adding new sections designated sections 22.2 and 22.4, following sec. 22, to read as follows:

"Sec. 22.2. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer offering an umbrella policy to an individual shall obtain a signed disclosure statement from the individual indicating whether the umbrella policy includes uninsured or underinsured vehicle coverage.

2. The disclosure statement must be on a form provided by the commissioner or in substantially the following form:

UMBRELLA POLICY DISCLOSURE STATEMENT
UNINSURED/UNDERINSURED VEHICLE COVERAGE

*Your Umbrella Policy **does provide** coverage in excess of the limits of the uninsured/underinsured vehicle coverage in your **primary** auto insurance only if the underlying requirements for the uninsured/underinsured vehicle coverage in your auto insurance are maintained. The minimum uninsured/underinsured vehicle coverage in your umbrella insurance policy is $..... The limits of the uninsured/underinsured vehicle coverage in your primary auto insurance policy are $.....*

I understand and acknowledge the above disclosure.

....

Insured *Date*

*Your Umbrella Liability Policy **does not provide** any uninsured/underinsured vehicle coverage.*

I understand and acknowledge the above disclosure.

....

Insured *Date*

3. As used in this section, "umbrella policy" means a policy that protects a person against losses in excess of the underlying amount required to be covered by other policies.

Sec. 22.4. NRS 687B.145 is hereby amended to read as follows:

687B.145 1. Any policy of insurance or endorsement providing coverage under the provisions of NRS 690B.020 or other policy of casualty insurance may provide that if the insured has coverage available to him under more than one policy or provision of coverage, any recovery or benefits may equal but not exceed the higher of the applicable limits of the respective coverages, and the recovery or benefits must be prorated between the applicable coverages in the proportion that their respective limits bear to the aggregate of their limits. Any provision which limits benefits pursuant to this section must be in clear language and be prominently displayed in the policy, binder or endorsement. Any limiting provision is void if the named insured has purchased separate coverage on the same risk and has paid a premium calculated for full reimbursement under that coverage.

2. [Insurance] *Except as otherwise provided in subsection 5, insurance* companies transacting motor vehicle insurance in this state must offer, on a form approved by the commissioner, uninsured and underinsured vehicle coverage in an amount equal to the limits of coverage for bodily injury sold to an insured under a policy of insurance covering the use of a passenger car. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. Uninsured and underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of his own coverage any amount of damages for bodily injury from his insurer which he is legally entitled to recover from the owner or operator of the other vehicle to the extent that those damages exceed the limits of the coverage for bodily injury carried by that owner or operator.

3. An insurance company transacting motor vehicle insurance in this state must offer an insured under a policy covering the use of a passenger car, the option of purchasing coverage in an amount of at least $1,000 for the payment of reasonable and necessary medical expenses resulting from an accident. The offer must be made on a form approved by the commissioner. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage.

4. An insurer who makes a payment to an injured person on account of underinsured vehicle coverage as described in subsection 2 is not entitled to subrogation against the underinsured motorist who is liable for damages to the injured payee. This subsection does not affect the right or remedy of an insurer under subsection 5 of NRS 690B.020 with respect to uninsured vehicle coverage. As used in this subsection, "damages" means the amount for which the underinsured motorist is alleged to be liable to the claimant in excess of the limits of bodily injury coverage set by the underinsured motorist's policy of casualty insurance.

5. *An insurer need not offer, provide or make available uninsured or underinsured vehicle coverage in connection with a general commercial liability policy, an excess policy, an umbrella policy or other policy that does not provide primary motor vehicle insurance for liabilities arising out of the ownership, maintenance, operation or use of a specifically insured motor vehicle.*

6. As used in this section ["passenger] *:*

(a) "Excess policy" means a policy that protects a person against loss in excess of a stated amount or in excess of coverage provided pursuant to another insurance contract.

(b) "Passenger car" has the meaning ascribed to it in NRS 482.087.

(c) "Umbrella policy" means a policy that protects a person against losses in excess of the underlying amount required to be covered by other policies.".

Amend sec. 29, page 21, line 39, by deleting "*8.*" and inserting:

"8. Section 1 of [this act.] *Assembly Bill No. 348 of this session.*

9.".

Amend sec. 29, page 22, line 4, by deleting "*9.*" and inserting "*10.*".

Amend the bill as a whole by deleting sec. 36 and adding a new section designated sec. 36, following sec. 35, to read as follows:

"Sec. 36. Section 21 of Assembly Bill No. 156 of this session is hereby amended to read as follows:

Sec. 21. 1. In addition to any other report which is required to be filed with the commissioner or the state board of health, each managed care organization shall file with the commissioner and the state board of health, on or before March 1 of each year, a report regarding its methods for reviewing the quality of health care services provided to its insureds.

2. Each managed care organization shall include in its report the criteria, data, benchmarks or studies used to:

(a) Assess the nature, scope, quality and [staffing] *accessibility* of health care services provided to insureds; or

(b) Determine any reduction or modification of the provision of health care services to insureds.

3. Except as already required to be filed with the commissioner or the state board of health, if the managed care organization is not owned and operated by a public entity and has more than 100 insureds, the report filed pursuant to subsection 1 must include:

(a) A copy of all of its quarterly and annual financial reports;

(b) A statement of any financial interest it has in any other business which is related to health care that is greater than 5 percent of that business or $5,000, whichever is less; and

(c) A description of each complaint filed with or against it that resulted in arbitration, a lawsuit or other legal proceeding, unless disclosure is prohibited by law or a court order.

4. A report filed pursuant to this section must be made available for public inspection within a reasonable time after it is received by the commissioner.".

Amend the bill as a whole by adding a new section designated sec. 39, following sec. 38, to read as follows:

"Sec. 39. Sections 29 and 36 of this act become effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill, second line, after the semicolon by inserting: "prohibiting an insurer from transacting insurance in this state as a corporation, limited-liability company, limited partnership or limited-liability partnership; providing that an insurer need not offer, provide or make available uninsured or underinsured vehicle coverage in certain circumstances;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 478.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 478:

YEAS — 42.

NAYS — None.

Senate Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

Remarks by Assemblymen Buckley, Goldwater, Bache, Manendo, Cegavske, Price, Hettrick, Parks, Gustavson, Close, Berman and Braunlin.

Potential conflicts of interest declared by Assemblymen Cegavske, Price, Hettrick, Parks, Gustavson, Close, Buckley, Berman and Braunlin.

Roll call on Senate Bill No. 314:

YEAS — 39.

NAYS — Gustavson, Hettrick, Marvel — 3.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bill No. 612; Senate Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 612.

Bill read third time.

Remarks by Assemblymen Mortenson and Tiffany.

Roll call on Assembly Bill No. 612:

YEAS — 26.

NAYS — Amodei, Berman, Carpenter, Close, de Braga, Dini, Ernaut, Gustavson, Hettrick, Hickey, Lee, Manendo, Marvel, Ohrenschall, Tiffany, Von Tobel — 16.

Assembly Bill No. 612 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Krenzer moved that Senate Bill No. 105 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 33, 464 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Concurrent Resolution No. 32 be placed on the Resolution File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 182.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 182:

YEAS — 42.

NAYS — None.

Senate Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 201:

YEAS — 42.

NAYS — None.

Senate Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 204.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 204:

YEAS — 42.

NAYS — None.

Senate Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 219.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 219:

YEAS — 42.

NAYS — None.

Senate Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 378.
Bill read third time.
Remarks by Assemblywoman Krenzer.
Roll call on Senate Bill No. 378:
YEAS — 42.
NAYS — None.
Senate Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 490.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Senate Bill No. 490:
YEAS — 42.
NAYS — None.
Senate Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 447.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Segerblom.
Roll call on Senate Bill No. 447:
YEAS — 40.
NAYS — Carpenter, Segerblom — 2.
Senate Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 6.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Senate Bill No. 6:
YEAS — 42.
NAYS — None.
Senate Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 341.
Bill read third time.
Remarks by Assemblymen Parks and Chowning.

Roll call on Senate Bill No. 341:

YEAS — 42.

NAYS — None.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 365.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 365:

YEAS — 42.

NAYS — None.

Senate Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 58.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 58:

YEAS — 40.

NAYS — Arberry, Collins — 2.

Senate Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 313.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Senate Bill No. 313:

YEAS — 42.

NAYS — None.

Senate Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 367.

Bill read third time.

Remarks by Assemblymen Herrera, Collins and Anderson.

Roll call on Senate Bill No. 367:

YEAS — 42.

NAYS — None.

Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 320 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 472.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 472:

YEAS — 42.

NAYS — None.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 105.

Bill read second time.

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

Amendment No. 1137.

Amend sec. 3, page 1, by deleting line 15 and inserting:

"*(a) A certificate issued by the system pursuant to NRS 616B.200;*".

Amend the bill as a whole by renumbering sec. 8 as sec. 9, and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. Chapter 616D of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.".

Amend sec. 8, page 4, by deleting lines 14 through 16 and inserting:

"Sec. 9. *1. An insurer, organization for managed care, health care provider,*".

Amend sec. 8, page 4, line 22, by deleting "*Made*" and inserting "*Knowingly made*".

Amend sec. 8, page 4, line 28, after "*which*" by inserting: "*the provider knows*".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 11 and 12 and adding a new section designated sec. 10, following sec. 8, to read as follows:

"Sec. 10. *The administrator and the fraud control unit for industrial insurance established pursuant to NRS 228.420 shall establish procedures to ensure that:*

1. The administrator, in accordance with the established procedures, reports to the unit violations of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive, of which the administrator becomes aware;

2. For the purposes of NRS 616D.120, the unit notifies the administrator in a timely manner whether the unit will prosecute a person who has violated the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

3. The administrator and the unit share other information of which they are aware relating to violations of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive.".

Amend the bill as a whole by renumbering sections 11 and 12 as sections 14 and 15 and inserting a new section designated sec. 13, following sec. 10, to read as follows:

"Sec. 13. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the [manager] *administrator* finds that an employer within the provisions of NRS 616B.633 has failed to provide and secure compensation as required by the terms of chapters 616A to 616D, inclusive, of NRS or that the employer has provided and secured that compensation but has failed to maintain it, he shall make a determination thereon and may charge the employer an amount equal to the sum of:

(a) The premiums that would otherwise have been owed to the system pursuant to the terms of chapters 616A to 616D, inclusive, of NRS for the period that the employer was doing business in this state without providing, securing or maintaining that compensation, but not to exceed 6 years;

(b) The actual costs incurred by the system in reinstating the policy, but not to exceed 10 percent of the premiums owed by the employer; and

(c) Interest at a rate determined pursuant to NRS 17.130 computed from the time that the premiums should have been paid.

2. The [manager] *administrator* shall mail a copy of his determination to the employer. An employer who is aggrieved by the [manager's] determination *of the administrator* may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

3. Any employer within the provisions of NRS 616B.633 who fails to provide, secure or maintain compensation as required by the terms of chapters 616A to 616D, inclusive, of NRS, is:

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

(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a category D felony and shall be punished as provided in NRS 193.130.

Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.".

Amend the bill as a whole by deleting sec. 13, renumbering sections 14 through 16 as sections 18 through 20 and adding new sections designated sections 16 and 17, following sec. 12, to read as follows:

"Sec. 16. Section 3 of this act is hereby amended to read as follows:

Sec. 3. 1. Each employer shall ensure that:

(a) A certificate [issued by the system pursuant to NRS 616B.200;] *of insurance provided pursuant to section 2 of this act;*

(b) A certificate issued by the commissioner pursuant to NRS 616B.312; or

(c) A certificate issued to an association of self-insured public or private employers by the commissioner pursuant to NRS 616B.359 and a certificate or letter issued by such an association verifying that the employer is a member in good standing of the association,

is posted in a conspicuous location at each of the employer's places of business, including, without limitation, each location at which the employer has directed one or more employees to perform work.

2. An employer who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 17. Section 18 of Senate Bill No. 133 of this session is hereby amended to read as follows:

Sec. 18. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the manager finds that an employer within the provisions of NRS 616B.633 has failed to provide and secure compensation as required by the terms of chapters 616A to 616D, inclusive, of NRS or that the employer has provided and secured that compensation but has failed to maintain it, he shall make a determination thereon and may charge the employer an amount equal to the sum of:

(a) The premiums that would otherwise have been owed to the system pursuant to the terms of chapters 616A to 616D, inclusive, of NRS for the period that the employer was doing business in this state without providing, securing or maintaining that compensation, but not to exceed 6 years;

(b) The actual costs incurred by the system in reinstating the policy, but not to exceed 10 percent of the premiums owed by the employer; and

(c) Interest at a rate determined pursuant to NRS 17.130 computed from the time that the premiums should have been paid.

2. The manager shall mail a copy of his determination to the employer. An employer who is aggrieved by the manager's determination may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

3. Any employer within the provisions of NRS 616B.633 who fails to provide, secure or maintain compensation as required by the terms of chapters 616A to 616D, inclusive, of NRS, is:

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

(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a *category D* felony [, punishable by imprisonment in the state prison for a definite term of not less than 1 year nor more than 5 years or by a fine of not more than $10,000, or by both fine and imprisonment. A person who is sentenced to imprisonment becomes eligible for parole when he has served one-third of the definite term for which he has been sentenced, less any credit earned to reduce his sentence pursuant to chapter 209 of NRS.] *and shall be punished as provided in NRS 193.130.*

Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.".

Amend sec. 14, page 10, by deleting line 28 and inserting:

"2. Section 20 of Senate Bill No. 133 of this session is hereby repealed.

3. Sections 55 and 104 of chapter 580, Statutes of Nevada 1995, at pages 2012 and 2032, respectively, are".

Amend the bill as a whole by deleting sec. 17 and adding a new section designated sec. 21, following sec. 16, to read as follows:

"Sec. 21. 1. This section and sections 1, 3 to 12, inclusive, 14, 15, 17, 19 and 20 of this act, and subsections 2 and 3 of section 18 of this act, become effective on July 1, 1997.

2. Section 13 of this act becomes effective on January 1, 1998.

3. Sections 2 and 16 of this act, and subsection 1 of section 18 of this act, become effective on July 1, 1999.".

Amend the text of repealed sections by adding the text of section 20 of Assembly Bill No. 133 of this session and section 104 of chapter 580, Statutes of Nevada 1995:

"Section 20 of Assembly Bill No. 133 of this session:

Sec. 20. Section 104 of chapter 580, Statutes of Nevada 1995, at page 2032, is hereby amended to read as follows:

Sec. 104. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the [manager] *administrator* finds that an employer within the provisions of NRS 616B.633:

(a) Has failed to provide and secure compensation as required by the terms of this chapter; or

(b) Has provided and secured such compensation but has failed to maintain that compensation,

he shall make a determination thereon *based on any information that is within his possession or that may come within his possession* and may charge the employer an amount of not more than three times the premiums that would otherwise have been owed to the system *if he had been insured by the system* pursuant to the terms of this chapter for the period that the employer was doing business in this state without providing, securing or maintaining that compensation, but not to exceed 6 years. *Any money collected by the administrator pursuant to this subsection must be deposited into the uninsured employers' claim fund.*

2. [The manager shall mail a copy of his determination to the employer.] *If the manager is not satisfied with the amount of a premium required to be paid to the system by any person, he may compute and determine the amount required to be paid on the basis of any information within his possession or which may come into his possession. One or more determinations of a deficiency may be made of the amount due for one or more periods.*

3. Except for a determination made pursuant to subsection 1, a notice of a determination of a deficiency issued by the manager must be served personally or mailed within 3 years after the last day of the calendar month following the period for which the amount that is proposed to be determined is due. An employer who is aggrieved by [the manager's] *a* determination *made pursuant to this section or NRS 360.300* may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

[3.] *4.* Any employer within the provisions of NRS 616B.633 who fails to provide, secure or maintain compensation as required by the terms of this chapter, is:

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

(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a category D felony and shall be punished as provided in NRS 193.130.

Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.

Section 104 of chapter 580, Statutes of Nevada 1995:

Sec. 104. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the [manager] *administrator* finds that an employer within the provisions of NRS 616B.633 has failed to provide and secure compensation as required by the terms of this chapter, he shall make a determination thereon *based on any information that is within his possession or that may come within his possession* and charge the

employer an amount [equal to] *of not more than* three times the premiums that would otherwise have been owed to the system *if he had been insured by the system* pursuant to the terms of this chapter for the period that the employer was doing business in this state without providing or securing compensation, but not to exceed 6 years. *Any money collected by the administrator pursuant to this subsection must be deposited into the uninsured employers' claim fund.*

2. [The manager shall mail a copy of his determination to the employer.] *If the manager is not satisfied with the amount of a premium required to be paid to the system by any person, he may compute and determine the amount required to be paid on the basis of any information within his possession or which may come into his possession. One or more determinations of a deficiency may be made of the amount due for one or more periods.*

3. Except for a determination made pursuant to subsection 1, a notice of a determination of a deficiency issued by the manager must be served personally or mailed within 3 years after the last day of the calendar month following the period for which the amount that is proposed to be determined is due. An employer who is aggrieved by [the manager's] *a* determination *made pursuant to this section or NRS 360.300* may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

[3.] *4.* Any employer within the provisions of NRS 616B.633 who fails to provide and secure compensation as required by the terms of this chapter, is:

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

(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a gross misdemeanor.

Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.".

Amend the title of the bill, line 8, after "practices;" by inserting: "requiring the administrator and the fraud control unit to establish certain procedures relating to the enforcement of the provisions prohibiting fraudulent practices;".

Assemblywoman Krenzer moved the adoption of the amendment.

Remarks by Assemblywoman Krenzer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Concurrent Resolution No. 32.

Resolution read.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1047.

Amend the resolution, page 1, by deleting lines 18 through 20 and inserting: "appoint a subcommittee composed of four members of the Senate and four members of the Assembly to conduct an interim study of the family courts in this state; and be it further

RESOLVED, That at least one of the legislators appointed to the subcommittee must be a resident of a county whose population is less than 100,000; and be it further

RESOLVED, That the Legislative Commission shall designate a chairman from among the members of the subcommittee; and be it further".

Amend the resolution, page 2, line 11, by deleting "and".

Amend the resolution, page 2, by deleting lines 12 through 27 and inserting:

"13. Administrators of the Family Courts; and

14. Neighborhood Justice Centers; and be it further

RESOLVED, That the study must include, but is not limited to, an evaluation of:

1. The organization and operation of family courts, including a review of the structure and administration of the family courts with consideration given to such factors as caseloads, facilities, staff resources, information technology and public access to court records;

2. The jurisdiction of family courts;

3. The time required to render decisions in family courts, particularly for cases concerning divorce and child custody, and possible actions that would expedite those proceedings;

4. The role of mediation and other alternative methods used in the resolution of disputes in family law matters, including an analysis and evaluation of laws in the State of California that require mediation before parties are allowed access to family courts;

5. Whether more programs and services should be made available to parents obtaining divorces to ease the transition for the affected children and methods to improve the access to existing programs and services;

6. Reports produced by the courts, including the preparation of task-oriented statistics;

7. The standardization of procedures and the consistency in decisions and judgments among the departments of the family court;

8. The involvement of the Family Mediation and Assessment Center;

9. The effectiveness of the administrators and staff of the family court; and

10. The referral of disputes to alternative methods of resolving disputes; and be it further

RESOLVED, That the subcommittee shall consult with the members of the advisory committee that is hereby created to assist the subcommittee to study the family courts in this state; and be it further

RESOLVED, That the advisory committee, consisting of six members, must be appointed as follows:

1. One member appointed by the presiding judge of the Second Judicial District to represent the Family Court of the Second Judicial District and one member appointed by the presiding judge of the Eighth Judicial District to represent the Family Court of the Eighth Judicial District, both of whom have knowledge and experience in the administration of a family court;

2. One member of the Family Law Section of the State Bar of Nevada appointed by the State Bar of Nevada;

3. One member who is a deputy district attorney appointed by the District Attorney of Washoe County and one member who is a deputy district attorney appointed by the District Attorney of Clark County, both of whom have knowledge and experience in family court matters; and

4. One member who has knowledge and experience in the collection of data and the processing of information appointed by the National Council of Juvenile and Family Court Judges, and be it further

RESOLVED, That the members of the advisory committee serve without salary and are not entitled to receive a per diem allowance or reimbursement for travel expenses; and be it further

RESOLVED, That the appointment of the members to the advisory committee must be made as soon as practicable after July 1, 1997; and be it further

RESOLVED, That except for the initial members, the term of office of each member of the advisory committee is 2 years and begins on July 1 of each odd-numbered year; and be it further

RESOLVED, That any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee; and be it further".

Amend the preamble of the resolution, page 1, by deleting lines 1 through 15, and inserting:

"WHEREAS, In 1991, the Nevada Legislature created family courts as a division of the district court in Clark and Washoe counties; and

WHEREAS, The family courts were established to handle legal problems encountered by families in a timely and efficient manner; and

WHEREAS, Contrary to the intended result, the families who have used the family courts have experienced needless delays and court orders that are not enforced, resulting in considerable stress and financial problems for the families; and

WHEREAS, Testimony has indicated that certain family court judges have taken approximately 2 years to decide cases involving child custody; and

WHEREAS, The caseload in the family courts has increased as much as 30 percent during the past 4 years; and

WHEREAS, In 1996, the family courts had approximately one and one-half times as many cases as the district courts, while the family courts had only half as many judges to carry this increased caseload; and

WHEREAS, There has been an apparent reluctance by the staff and judges of family courts to collect and provide information concerning the performance and efficiency of the family courts; and

WHEREAS, It appears that the family courts lack the resources required to adjudicate in a timely manner all of the cases involving divorce, child custody and support disputes, guardianship disputes, juvenile delinquency, adoption, paternity issues and domestic violence; and

WHEREAS, Additional information is required to help resolve these concerns and to assist the family court system to become more efficient and effective; now, therefore, be it".

Assemblyman Herrera moved the adoption of the amendment.

Remarks by Assemblyman Herrera.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

SECOND READING AND AMENDMENT

Assembly Bill No. 33.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1119.

Amend section 1, page 1, line 2, by deleting "$400,000" and inserting "$200,000".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. There is hereby appropriated from the state general fund to Western Nevada Community College the sum of $150,000 for completion of the construction of its Douglas Center and for the purchase of certain related equipment.".

Amend sec. 2, page 1, by deleting line 4 and inserting:

"Sec. 3. Any remaining balance of the appropriations made by sections 1 and 2".

Amend the title of the bill to read as follows: "An Act making appropriations to the Great Basin College, Winnemucca Center, for equipment and landscaping and to Western Nevada Community College for completion of the construction of its Douglas Center and for the purchase of certain related equipment; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes appropriations to Great Basin College for equipment and landscaping and to Western Nevada Community College for completion of construction of its Douglas Center. (BDR S-44)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 464.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1120.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. 1. There is hereby appropriated from the state general fund to Clark County the sum of $6,500,000 for the demolition of certain old structures and the construction and expansion of the facilities at the Spring Mountain Youth Camp.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 2. 1. There is hereby appropriated from the state general fund to Humboldt County the sum of $750,000 for the construction of a juvenile detention facility.

2. Humboldt County may use the money appropriated by subsection 1 only if matching money is provided by Humboldt, Lander and Pershing counties from sources other than the appropriation in subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. 1. There is hereby appropriated from the state general fund to Lyon County the sum of $1,250,000 for the construction of a regional facility for children for Carson City and Churchill, Douglas, Lyon and Storey counties.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 4. This act becomes effective on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act making various appropriations for certain facilities for children; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various appropriations for certain facilities for children. (BDR S-1574)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 366.

The following Senate amendment was read:

Amendment No. 850.

Amend the bill as a whole by deleting sections 1 through 30 and the leadlines of the repealed sections and adding new sections designated as sections 1 through 347 and the leadlines of the repealed sections, following the enacting clause, to read as follows:

"Section 1. Chapter 703 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *In adopting regulations pursuant to this Title, the commission shall ensure that the regulations:*

1. Maximize the benefits of a competitive marketplace for the provision of services by utilities;

2. Maintain, to the extent possible, even and fair competition among utilities;

3. Ensure the flexibility necessary for existing utilities that provide energy to enter into a deregulated market;

4. Foster innovation in the provision of services by utilities;

5. Ensure and enhance the reliability and safety of the services provided by utilities and of the utilities that provide those services;

6. Provide for flexible mechanisms for regulating utilities; and

7. Provide effective protection of persons who depend upon the services provided by utilities.

Sec. 3. *1. The commission, by majority vote, shall organize the commission into sections, alter the organization of the commission and reassign responsibilities and duties of the sections of the commission as the commission deems necessary to provide:*

(a) Advice and guidance to the commission on economic policies relating to utilities under the jurisdiction of the commission, and the regulation of such utilities;

(b) Administrative, technical, legal and support services to the commission; and

(c) For the regulation of utilities governed by the commission and the services offered by such utilities, including, but not limited to, licensing of such utilities and services and the resolution of consumer complaints.

2. The commission shall:

(a) Formulate the policies of the various sections of the commission;

(b) Coordinate the activities of the various sections of the commission;

(c) Take such actions consistent with law as are necessary to encourage and enhance:

(1) A competitive market for the provision of utility services to customers in this state; and

(2) The reliability and safety of the provision of those services within that competitive market; and

(d) Adopt such regulations consistent with law as the commission deems necessary for the operation of the commission and the enforcement of all laws administered by the commission.

3. Before reorganizing the commission, the commission shall submit the plan for reorganization to:

(a) The director of the legislative counsel bureau for transmittal to the legislative committee on utilities and the interim finance committee; and

(b) The director of the department of administration.

Sec. 4. NRS 703.010 is hereby amended to read as follows:

703.010 As used in this chapter [:

1. "Commission"] , *unless the context otherwise requires:*

1. "Alternative seller" has the meaning ascribed to it in section 30 of this act.

2. "Commission" means the public [service] *utilities* commission of Nevada.

[2. "Fully regulated carrier" has the meaning ascribed to it in NRS 706.072.]

Sec. 5. NRS 703.020 is hereby amended to read as follows:

703.020 The public [service] *utilities* commission of Nevada is hereby created.

Sec. 6. NRS 703.030 is hereby amended to read as follows:

703.030 1. The commission consists of [five] *three* commissioners appointed by the governor for terms of 4 years.

2. The governor shall appoint as members of the commission persons who have at least 2 years of experience in one or more of the following fields:

(a) Accounting.

(b) Business administration.

(c) Finance [.] *or economics.*

(d) Administrative law.

(e) Professional engineering.

[(f) The operation of motor carriers.

3. One commissioner may be appointed to represent the general public.

4.] *3.* Not more than [three] *two* of the commissioners may be [members] *:*

(a) Members of the same political party.

(b) From the same field of experience.

Sec. 7. NRS 703.070 is hereby amended to read as follows:

703.070 The governor shall designate one of the commissioners to be chairman, whose term as chairman shall be at the pleasure of the governor. *The chairman shall serve as the executive officer of the commission.*

Sec. 8. NRS 703.090 is hereby amended to read as follows:

703.090 The commission shall have a seal upon which [shall] *must* be the words "Public [Service] *Utilities* Commission of Nevada," by which the commission shall authenticate its proceedings and orders. All papers made under [such seal shall] *the seal must* be admitted in evidence without further authenticity or proof.

Sec. 9. NRS 703.100 is hereby amended to read as follows:

703.100 The commission may sue and be sued in the name of the public [service] *utilities* commission of Nevada.

Sec. 10. NRS 703.110 is hereby amended to read as follows:

703.110 1. The majority of the commissioners have full power to act in all matters within their jurisdiction.

2. [Any two or three commissioners may] *If two commissioners are disqualified or if there are two vacancies within the commission, the remaining commissioner shall* exercise all the powers of the commission . [if the majority of the commissioners is disqualified or if there are two or three vacancies within the commission.]

3. Except as otherwise provided in this [subsection, public hearings must be conducted by one or more commissioners. An administrative proceeding conducted pursuant to subsection 2 of NRS 706.771 may be conducted by a hearing officer designated by the chairman of the commission.] *chapter, all hearings and meetings conducted by the commission must be open to the*

public. Two or more members of the commission may meet in private upon the completion of a contested case only to discuss issues concerning any proposed order or opinion of the commission relating to that contested case.

4. As used in this section, "contested case" means a hearing or other proceeding before the commission in which:

(a) The legal rights, duties or privileges of a person are required by law to be determined by the commission after notice and an opportunity for hearing; or

(b) An administrative penalty may be imposed by the commission against a person after notice and an opportunity for hearing.

Sec. 11. NRS 703.145 is hereby amended to read as follows:

703.145 1. Any public [utility or common or contract motor carrier] *utility* subject to the jurisdiction of the commission which elects to maintain its books and records outside the State of Nevada shall, in addition to any other assessment and fees provided for by law, be assessed by the commission for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of commission members and staff, for investigations, inspections and audits required to be performed outside this state.

2. Any public utility subject to the jurisdiction of the commission shall, in addition to any other assessment and fees provided for by law, be assessed by the commission for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of commission members and staff, for investigations, audits and appearances required to be performed out of this state as a result of interventions in:

(a) Federal Energy Regulatory Commission proceedings as authorized in NRS 703.152; or

(b) Actions involving the Federal Communications Commission or other federal regulatory agencies,

if the intervention is made to benefit the public utility or its customers.

3. The assessments provided for by this section must be determined by the commission upon the completion of each such investigation, inspection, audit or appearance and are due and payable within 30 days of receipt by the affected utility [or common or contract motor carrier] of the notice of assessment. The total amount assessed by the commission in 1 year pursuant to subsection 2 must not exceed $50,000.

4. The records of the commission relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected utility [or common or contract motor carrier] at any time within the 30-day period.

5. The commission shall report to the legislature no later than February 1 of each odd-numbered year the amount of assessments charged public utilities during the previous biennium pursuant to subsection 2.

Sec. 12. NRS 703.147 is hereby amended to read as follows:

703.147 1. The public [service] *utilities* commission regulatory fund is hereby created as a special revenue fund. All money collected by the commission pursuant to law must be deposited in the state treasury for credit to the fund. Money collected for the use of the consumer's advocate must be transferred pursuant to the provisions of subsection 8 of NRS 704.035.

2. Money in the fund which belongs to the commission may be used only to defray the costs of:

(a) Maintaining staff and equipment to regulate adequately public utilities and other persons subject to the jurisdiction of the commission.

(b) Participating in all rate cases involving those persons.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that regulation and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the commission.

3. All claims against the fund must be paid as other claims against the state are paid.

4. The commission must furnish upon request a statement showing the balance remaining in the fund as of the close of the preceding fiscal year.

Sec. 13. NRS 703.150 is hereby amended to read as follows:

703.150 The commission shall supervise and regulate the operation and maintenance of public utilities and other persons named and defined in chapters 704, 704A [, 706, 708 and 712] *and 708* of NRS pursuant to the provisions of those chapters.

Sec. 14. NRS 703.152 is hereby amended to read as follows:

703.152 1. The legislature finds that the cost of energy in Nevada is affected by the Federal Energy Regulatory Commission in its regulation of the transmission of energy into and out of the State of Nevada, and the concerns of the public utilities and their customers in this state should be represented at the hearings of that Commission which affect Nevada.

2. The public [service commission of Nevada,] *utilities commission,* within the limits of its budget and as it deems necessary, may bring an action, file a petition or intervene before the Federal Energy Regulatory Commission or in any court on behalf of the public utilities and their customers in this state and represent their views in any matter which affects the development, transmission, use or cost of energy in Nevada.

Sec. 15. NRS 703.191 is hereby amended to read as follows:

703.191 1. Each public utility, [fully regulated carrier and broker of services] *and alternative seller* regulated by the commission shall:

(a) Keep uniform and detailed accounts of all business transacted *in this state* in the manner required by the commission by regulation, and render them to the commission upon its request.

(b) Furnish an annual report to the commission in the form and detail which it prescribes by regulation.

2. [Except as otherwise provided in subsection 3, the] *The* reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. [A motor carrier may, with the permission of the commission, prepare the reports required by this section for a year other than a calendar year which the commission specifies, and submit them not later than a date specified by the commission in each year.

4.] If the commission finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

Sec. 16. NRS 703.195 is hereby amended to read as follows:

703.195 1. Except as otherwise provided in subsection 2, any commissioner or any officer or employee of the commission who is designated by the commission, may examine during regular business hours the books, accounts, records, minutes, papers and property of any public utility [, motor carrier or broker] who does business in this state, whether or not the book, account, record, minutes, paper or property is located within [the] *this* state.

2. No personnel records of an employee may be examined pursuant to subsection 1 unless the records contain information relating to a matter of public safety or the commission determines that the examination is required to protect the interests of the public.

3. As used in this section, "personnel records" does not include:

(a) The name of the employee who is the subject of the record;

(b) The gross compensation and perquisites of the employee;

(c) Any record of the business expenses of the employee;

(d) The title or any description of the position held by the employee;

(e) The qualifications required for the position held by the employee;

(f) The business address of the employee;

(g) The telephone number of the employee at his place of business;

(h) The work schedule of the employee;

(i) The date on which the employee began his employment; and

(j) If applicable, the date on which the employment of the employee was terminated.

Sec. 17. NRS 703.196 is hereby amended to read as follows:

703.196 1. Any books, accounts, records, minutes, papers and property of any public utility [, motor carrier or broker] that are subject to

examination pursuant to NRS 703.190 or 703.195 and are made available to the commission, any officer or employee of the commission, the [advocate for customers of public utilities] *bureau of consumer protection in the office of the attorney general* or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the commission first determines that the disclosure is justified.

2. The commission shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:

(a) Granting such protective orders as it deems necessary; and

(b) Holding closed hearings to receive or examine such information.

3. If the commission closes a hearing to receive or examine such information, it shall:

(a) Restrict access to the records and transcripts of such hearings without the prior approval of the commission or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and

(b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the commission.

4. A representative of the staff of the commission and the [office of the advocate for customers of public utilities:] *bureau of consumer protection:*

(a) May attend any closed hearing held pursuant to this section; and

(b) Have access to any records or other information determined to be confidential pursuant to this section.

5. The commission shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the commission determines the information may be disclosed, the information must become a part of the records available to the public. Information which the commission determines may not be disclosed must be kept under seal.

Sec. 18. NRS 703.197 is hereby amended to read as follows:

703.197 1. The commission may collect fees for the filing of any official document required by this chapter and chapters 704, 704A, 705 [, 706, 708 and 712] *and 708* of NRS or by a regulation of the commission.

2. Filing fees may not exceed:

(a) For applications, $200.

(b) For petitions seeking affirmative relief, $200.

(c) For each tariff page which requires public notice and is not attached to an application, $10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.

(d) For all other documents which require public notice, $10.

3. If an application or other document is rejected by the commission because it is inadequate or inappropriate, the filing fee must be returned.

4. The commission may not charge any fee for filing a complaint.

Sec. 19. NRS 703.210 is hereby amended to read as follows:

703.210 1. The commission may employ, or retain on a contract basis, legal counsel who shall:

(a) Except as *otherwise* provided in subsection 2, be counsel and attorney for the commission in all actions, proceedings and hearings.

(b) Prosecute in the name of the public [service] *utilities* commission of Nevada all civil actions for the enforcement of chapters 704, 704A, 705 [, 706, 708 and 712] *and 708* of NRS and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the commission in the performance of its duties and the enforcement of chapters 704, 704A, 705 [, 706, 708 and 712] *and 708* of NRS.

2. Each district attorney shall:

(a) Prosecute any violation of chapter 704, 704A, 705, [706, 708, 711 or 712] *708 or 711* of NRS for which a criminal penalty is provided and which occurs in his county.

(b) Aid in any investigation, prosecution, hearing or trial held under the provisions of chapter 704, 704A, 705, [706, 708, 711 or 712] *708 or 711* of NRS and, at the request of the commission or its legal counsel, act as counsel and attorney for the commission.

3. The attorney general shall, if the district attorney fails or refuses to do so, prosecute all violations of the laws of this state by public utilities [and motor carriers] under the jurisdiction of the commission and their officers, agents and employees.

4. The attorney general is not precluded from appearing in or moving to intervene in any action and representing the interest of the State of Nevada in any action in which the commission is a party and is represented by independent counsel.

Sec. 20. NRS 703.230 is hereby amended to read as follows:

703.230 The commission may, in carrying out its duties:

1. Cooperate with the Federal Government, its departments and agencies.

2. Confer with the regulatory agencies of other states on matters of mutual concern and benefit to persons served by the public utilities [, motor carriers and brokers] *and alternative sellers* of this state.

3. Use the services, records, facilities and cooperation of federal and state regulatory agencies, and hold joint hearings and participate in joint conferences to reach decisions in matters which require cooperation. All necessary expenses incurred in attending hearings and conferences outside [the] *this* state are a charge against the state, and must be audited and paid as other claims against [the] *this* state are paid. The claims must be sworn to by the commissioner who incurred the expense and approved by the chairman.

Sec. 21. NRS 703.290 is hereby amended to read as follows:

703.290 1. A division of consumer [relations] *complaint resolution* is hereby established within the commission.

2. Pursuant to regulations adopted by the commission, the division of consumer [relations] *complaint resolution* shall:

(a) Receive and investigate complaints made against any public utility [, motor carrier or broker;] *or alternative seller;*

(b) Conduct appropriate investigations of the service practices of utility companies [and motor carriers and brokers;] *or alternative seller;* and

(c) Perform such other functions as are required by law or as the commission deems appropriate.

Sec. 22. NRS 703.310 is hereby amended to read as follows:

703.310 1. When a complaint is made against any public utility [, fully regulated carrier or broker of regulated services] *or alternative seller* by any person, that any of the rates, tolls, charges or schedules [,] *for regulated services,* or any joint rate or rates are in any respect unreasonable or unjustly discriminatory, [or that any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, or the service of any broker in connection therewith,] or any regulation, measurement, practice or act affecting or relating to the production, transmission or delivery or furnishing of heat, light, gas, coal slurry, water or power, or any service in connection therewith or the transmission thereof is, in any respect, unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate, the division of consumer [relations] *complaint resolution* shall investigate the complaint. After receiving the complaint, the division shall give a copy of it to the public utility [, carrier or broker] *or alternative seller* against whom the complaint is made. Within a reasonable time thereafter, the public utility [, carrier or broker] *or alternative seller* shall provide the [division] *commission* with its written response to the complaint according to the regulations of the commission.

2. If the division of consumer [relations] *complaint resolution* is unable to resolve the complaint, the division shall transmit the complaint, the results of its investigation and its recommendation to the commission. If the commission determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 703.320.

Sec. 23. NRS 703.374 is hereby amended to read as follows:

703.374 1. A court of competent jurisdiction, after hearing, may issue an injunction suspending or staying any final order of the commission if:

(a) The applicant has filed a motion for a preliminary injunction;

(b) The applicant has served the motion on the commission and other interested parties within 20 days after the rendition of the order on which the complaint is based;

(c) The court finds there is a reasonable likelihood that the applicant will prevail on the merits of the matter and will suffer irreparable injury if injunctive relief is not granted; and

(d) The applicant files a bond or other undertaking to secure the adverse parties in such manner as the court finds sufficient.

2. The decision of the commission on each matter considered shall be deemed reasonable and just until set aside by the court, and in all actions for injunction or otherwise the burden of proof is upon the party attacking or resisting the order of the commission to show by clear and satisfactory evidence that the order is unlawful, or unreasonable, as the case may be.

3. If an injunction is granted by the court and the order complained of is one which permanently suspends a schedule of rates and charges or a part thereof filed by any public utility pursuant to NRS 704.070 to 704.110, inclusive, [or by any fully regulated carrier pursuant to NRS 706.321 to 706.346, inclusive,] or which otherwise prevents the schedule or any part thereof from taking effect, the public utility [or carrier] complaining may keep in effect or put into effect, as the case may be, the suspended schedule or any part thereof pending final determination by the court having jurisdiction, by filing a bond with the court in such an amount as the court may fix, conditioned upon the refund to persons entitled to the excess amount if the rate or rates so suspended are finally determined by the court to be excessive.

Sec. 24. NRS 703.375 is hereby amended to read as follows:

703.375 1. If a court determines that the rate or rates considered by the commission are excessive, and that the public utility or [fully regulated carrier] *alternative seller* has collected those excessive rates, the public utility or [carrier] *alternative seller* shall compute and refund the excess or overpayment of the rate or rates pursuant to a plan approved by the commission [:

(a) For public utilities,] within 60 days after the entry of the final judgment of the court.

[(b) For carriers, within 120 days after the entry of the final judgment of the court.]

2. The public utility or [carrier] *alternative seller* shall prepare and file with the commission a statement and report in affidavit form stating that all money has been refunded according to the approved plan, and if there are persons to whom payment has not or cannot be made, the names, addresses and individual amounts of the refund must be listed in the report. The statement and report must be filed with the commission [:

(a) By the public utility] within 90 days after the entry of final judgment.

[(b) By the carrier within 150 days after the entry of final judgment.]
The public utility and the [carrier] *alternative seller* shall pay the aggregate amount of the unpaid refunds to the commission.

3. The commission shall:

(a) Retain the aggregate refunds in the public [service] *utilities* commission regulatory fund subject to the claim of each person entitled thereto for his share in the refund; and

(b) Pay all valid claims which are presented for payment within 2 years after the date of the entry of final judgment of the court.

All claimants must identify themselves to the satisfaction of the commission before payment may be made.

4. Any person has a right of action against the commission in the event of a refusal of the commission to pay his claim if the person's name appears in the report filed by the public utility or [carrier.] *alternative seller.* This action against the commission must be brought within 6 months after the refusal to pay the claim.

5. The commission shall investigate every case in which a claim is presented to it by a person claiming a refund under a plan submitted by a public utility or [carrier] *an alternative seller* which was approved by the commission. If the investigation results in a refusal by the public utility or [carrier] *alternative seller* to pay a valid claim, then the claimant has a right of action against the public utility or [carrier.] *alternative seller.*

6. Any unclaimed money which remains in the custody of the commission at the expiration of the 2-year period escheats to the state.

Sec. 25. NRS 703.377 is hereby amended to read as follows:

703.377 1. No certificate of public convenience and necessity, permit or license issued in accordance with the terms of NRS 704.005 to 704.751, inclusive, [or 706.011 to 706.791, inclusive,] is either a franchise or irrevocable.

2. [The commission may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, for a period not to exceed 60 days.

3.] Upon receipt of a written complaint or on its own motion, the commission may, after investigation and hearing, revoke any certificate, permit or license, but as to a public utility only if the commission has arranged for another public utility to provide the service for which the certificate was granted. [If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes his interest in the certificate, permit or license by so notifying the commission in writing, the commission may revoke the certificate, permit or license without a hearing.]

[4.] *3.* The proceedings thereafter are governed by the provisions of NRS 703.373 to 703.376, inclusive.

Sec. 26. NRS 703.380 is hereby amended to read as follows:

703.380 1. Unless another penalty is specifically provided, any public utility or any officer, agent or employee of a public utility who:

(a) Violates any of the provisions of this chapter or chapters 704, 705 [, 708 and 712] *and 708* of NRS;

(b) Violates any rule or regulation of the commission; or

(c) Fails, neglects or refuses to obey any order of the commission or any order of a court requiring compliance with an order of the commission,

is liable for a civil penalty not to exceed $1,000 per day for each day of the violation and not to exceed $100,000 for any related series of violations.

2. The amount of any civil penalty to be imposed pursuant to this section, and the propriety of any compromise of a penalty, must be determined by a court of competent jurisdiction upon the complaint of the commission.

3. Subject to the approval of the court, any civil penalty may be compromised by the commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, must be considered.

4. Any penalty assessed pursuant to this section is not a cost of service by the public utility and may not be included in any new application by a public utility for a rate adjustment or rate increase.

Sec. 27. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 28 to 63, inclusive, of this act.

Sec. 28. *As used in sections 28 to 53, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 29 to 38, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 29. *"Aggregation service" means the service of buying electricity and reselling or otherwise providing electricity to a customer.*

Sec. 30. *"Alternative seller" means a seller of any component of electric service, other than a noncompetitive service unless the alternative seller has been designated to provide the noncompetitive service pursuant to section 45 of this act. The term includes an affiliate of a vertically integrated electric utility, but does not include a vertically integrated electric utility.*

Sec. 31. *"Customer" means the retail purchaser of electric service.*

Sec. 32. *"Effective competition" means, with respect to a particular service, a market structure and a process under which an individual seller is not able to influence significantly the price of the service as a result of:*

1. The number of sellers of the service;

2. The size of each seller's share of the market;

3. The ability of the sellers to enter or exit the market; and

4. The price and availability of comparable substitutes for the service.

Sec. 33. *"Electric distribution utility" means a utility that is in the business of supplying noncompetitive electric distribution or transmission service, or both, or a noncompetitive service pursuant to section 45 of this act, on or after July 1, 1999, or the date on which alternative sellers are authorized to provide competitive services to customers in this state, as appropriate.*

Sec. 34. *"Electric service" includes generation service, aggregation service and any other component of electric service provided, as of December 31, 1996, by a vertically integrated electric utility.*

Sec. 35. *"Generation service" means the sale of electricity or capacity from equipment that converts other forms of energy into electricity by the owner of that equipment.*

Sec. 36. *"Noncompetitive service" means any electric service determined by statute or by the commission pursuant to section 39 of this act to be unsuitable for purchase by customers from alternative sellers.*

Sec. 37. *"Potentially competitive service" means a component of electric service determined by the commission to be suitable for purchase by customers from alternative sellers.*

Sec. 38. *1. "Vertically integrated electric utility" means any public utility in the business of supplying electricity or its successor in interest that, as of December 31, 1996:*

(a) Held a certificate of public convenience and necessity issued pursuant to NRS 704.005 to 704.731, inclusive; and

(b) Had an annual operating revenue of $250,000,000 or more.

2. The term does not include a cooperative association or nonprofit corporation or association or other provider of electric service, which is declared to be a public utility pursuant to NRS 704.673 and provides service only to its members.

Sec. 39. *1. The date upon which customers may begin obtaining generation, aggregation and any other potentially competitive services from an alternative seller must be no later than July 1, 1999, unless the commission determines that a different date is necessary to protect the public interest. If the commission determines that a different date is necessary, the commission shall provide a report to the director of the legislative counsel bureau for transmittal to the legislative commission on utilities by February 1, 1999, which:*

(a) Explains the reason that the commission has not granted such an authorization; and

(b) States whether the commission will grant such an authorization by July 1, 1999.

2. The commission may:

(a) Establish different dates for the provision of different services by alternative sellers in different geographic areas; and

(b) Authorize, in gradual phases, the right to buy from alternative sellers.

3. The commission shall determine that an electric service is a potentially competitive service if provision of the service by alternative sellers:

(a) Will not harm any class of customers;

(b) Will decrease the cost of providing the service to customers in this state or increase the quality or innovation of the service to customers in this state;

(c) Is a service for which effective competition in the market is likely to develop;

(d) Will advance the competitive position of this state relative to surrounding states; and

(e) Will not otherwise jeopardize the safety and reliability of the electric service in this state.

4. If the commission determines that a market for a potentially competitive service does not have effective competition, the commission shall, by regulation, establish the method for determining prices for the service and the terms and conditions for providing the service. The regulations must ensure that the pricing method, terms and conditions are just and reasonable and not unduly discriminatory. The regulations may include pricing alternatives which authorize the seller to reduce prices below maximum pricing levels specified by the commission or any other form of alternative pricing which the commission determines to be consistent with the provisions of this subsection. In determining whether a market for an electric service has effective competition, the commission shall:

(a) Identify the relevant market;

(b) Identify, where feasible, the alternative sellers that currently participate and are reasonably expected to participate in the relevant market; and

(c) Calculate, where feasible, the market share of each participant in the market and evaluate the significance of each share.

5. The commission shall, upon its own motion or upon a showing of good cause by a party requesting a reconsideration, reconsider any determination made by the commission pursuant to this section that a service is not a competitive service or that the market for the service does not have effective competition. Upon a finding by the commission that:

(a) The service previously determined not to be a competitive service pursuant to subsection 2 has become competitive; or

(b) The market for the service previously determined not to have effective competition pursuant to subsection 3 has become effectively competitive,

the commission shall repeal the regulations which established the pricing methods and the terms and conditions for providing that service. The commission shall conduct any proceedings for the reconsideration of any such determination as expeditiously as practicable considering the current work load of the commission and the need to protect the public interest.

6. A vertically integrated electric utility shall not provide a potentially competitive service except through an affiliate:

(a) On or after July 1, 1999; or

(b) The date on which the commission determines that the service is potentially competitive,

whichever is later.

Sec. 40. *1. It is unlawful for an alternative seller to sell any electric service to a customer for consumption within this state without having first obtained a license from the commission to do so.*

2. Not later than January 1, 1999, or any different date as determined by the commission pursuant to section 39 of this act, as appropriate, the commission shall by regulation set forth the procedures and conditions that alternative sellers must satisfy to obtain a license to sell any electric services to a customer in this state, including, but not limited to, procedures and conditions relating to:

(a) Safety and reliability of service;

(b) Financial and operational fitness; and

(c) Billing practices and customer service, including the initiation and termination of service.

3. If, after reviewing the application of an alternative seller for a license, the commission finds that the applicant is qualified to be an alternative seller, the commission shall issue a license to the applicant.

4. The commission may limit, suspend or revoke a license issued to an alternative seller if the action is necessary to protect the interests of the public or to enforce the provisions of sections 28 to 53, inclusive, of this act or a regulation of the commission.

5. In determining whether an applicant is qualified for a license or whether to limit, suspend or revoke a license issued to an alternative seller, the commission may consider whether the applicant for or holder of the license, or any affiliate thereof, has engaged in any activities which are inconsistent with effective competition.

6. A city, county or other local governmental entity or a public utility, or any affiliate thereof, which is authorized to provide electric service within the State of Nevada on or before December 31, 1996, and which has an annual operating revenue of less than $250,000,000, is subject to the provisions of sections 28 to 53, inclusive, of this act and any regulations adopted by the commission that are in effect on the date on which the city,

county or other local governmental entity or public utility, or an affiliate thereof:

(a) Applies to obtain a license as an alternative seller; or

(b) Directly or indirectly attempts to provide, or act on behalf of an alternative seller in the provision of, electric service in the territory served by another city, county or other local governmental entity or public utility, or an affiliate thereof, unless the city, county or other local governmental entity or public utility, or an affiliate thereof is otherwise required or permitted by specific statute to provide such service.

7. Notwithstanding the provisions of subsection 6, a city, county or other local governmental entity or a public utility, or any affiliate thereof, does not become subject to the provisions of sections 28 to 53, inclusive, of this act, or any regulations adopted pursuant thereto, solely because the city, county or other local governmental entity or a public utility, or any affiliate thereof, provides transmission or distribution services to an alternative seller pursuant to a contract, tariff or requirement of any state or federal law, except that the city, county or other local governmental entity or public utility, or an affiliate thereof, shall provide such transmission and distribution services on an open and nondiscriminatory basis to alternative sellers in accordance with such standards as the commission may establish by regulation.

8. Regulations adopted pursuant to subsection 2:

(a) Must not be unduly burdensome;

(b) Must not unnecessarily delay or inhibit the initiation and development of competition for any service in any market; and

(c) May establish different requirements for licensing alternative sellers of:

(1) Different services; or

(2) Similar services to different classes of customers,

whenever such different requirements are appropriate to carry out the provisions of sections 28 to 53, inclusive, of this act.

Sec. 41. *1. The commission shall prohibit a provider of a noncompetitive service from providing a potentially competitive service, except through an affiliate of the provider.*

2. The commission shall require each provider of a noncompetitive service that is necessary to the provision of a potentially competitive service to make its facilities or services available to all alternative sellers on equal and nondiscriminatory terms and conditions.

Sec. 42. *1. The commission shall monitor the markets for electric services affected by sections 28 to 53, inclusive, of this act to identify and prevent activities that are inconsistent with the goals of sections 28 to 53, inclusive, of this act. The commission shall:*

(a) Establish standards of conduct related to activities that are inconsistent with the goals of sections 28 to 53, inclusive, of this act, and establish penalties for such activities and procedures for imposing such penalties; and

(b) Establish conditions and limitations on the ownership, operation and control of the assets of a provider of an electric service to:

(1) Prevent activities that are inconsistent with the goals of sections 28 to 53, inclusive, of this act; and

(2) Ensure the development of effective competition for electric services.

Such conditions and limitations may include, but are not limited to, limitations on the ownership, operation and control of transmission facilities and any generation necessary to the reliable and economic operation of such transmission facilities. In establishing such conditions and limitations, the commission shall take into consideration any financial obligations that a provider of an electric service incurred, as of the date on which customers may begin obtaining potentially competitive services from alternative sellers, to carry out a statutory obligation of a utility.

2. Upon a showing of good cause by a party requesting an investigation or upon motion of the commission, the commission shall conduct an investigation of the operation of the relevant markets for any electric service in this state to determine whether those markets are functioning in a manner consistent with the provisions of sections 28 to 53, inclusive, of this act. The investigation must include, without limitation, the effect on the market of:

(a) Transmission congestion or constraints; and

(b) Anticompetitive or discriminatory conduct.

3. The commission may require an alternative seller or a vertically integrated electric utility to provide information directly related to the provision of electric services by the alternative seller or vertically integrated electric utility in this state, including, but not limited to, documents and testimony, in accordance with the regulations of the commission relating to the discovery of information for a provider of electric service.

4. If evidence is presented to the commission that anticompetitive or discriminatory conduct, including, but not limited to, the unlawful exercise of market power, is denying customers the benefits of effective competition in a market for electric services, the commission shall:

(a) Consult with, and transmit such evidence to, the attorney general; and

(b) If appropriate, inform, and transmit such evidence to, the United States Department of Justice and any appropriate federal agency.

5. Sections 28 to 53, inclusive, of this act must not be construed as exempting alternative sellers and affiliates from any other applicable statute of this state or the United States, relating to consumer and antitrust protections. The exemption provided in paragraph (c) of subsection 3 of NRS

598A.040 does not apply to conduct of or actions taken by an alternative seller pursuant to sections 28 to 53, inclusive, of this act.

6. Nothing in sections 28 to 53, inclusive, of this act requires any person who is or has been aggrieved by the conduct of an alternative seller to seek relief first before the commission.

Sec. 43. *1. An affiliate of a provider of a noncompetitive service may provide a potentially competitive service only upon a finding by the commission after a hearing that:*

(a) The provider of the noncompetitive service is in compliance with subsection 2 of section 41 of this act;

(b) The affiliate will have, with respect to the provision of the electric service, an arm's length relationship with the entity that provides the noncompetitive service;

(c) The business or organizational relationship, or both, between the provider of the noncompetitive service and the affiliate providing the potentially competitive service does not interfere with the development of effective competition; and

(d) The risk of anticompetitive behavior by the provider of the noncompetitive service or the affiliate providing the potentially competitive service, or both, is minimal and the regulatory expenses to prevent the anticompetitive behavior are minimal.

2. The commission shall adopt regulations which specify the information which must be submitted and the procedure which will be used to process a request by an affiliate of a provider of a noncompetitive service for authorization to provide a potentially competitive service. The procedure must provide an opportunity for the affiliate to obtain a determination from the commission regarding its request to provide potentially competitive services not later than 6 months before the date on which alternative sellers may begin providing potentially competitive services.

3. If the commission determines that an affiliate of a provider of a noncompetitive service cannot provide a potentially competitive service pursuant to the provisions of this section and the provider of the noncompetitive service is a vertically integrated electric utility, the commission shall, pursuant to section 46 of this act, give the vertically integrated electric utility a reasonable opportunity to recover the costs incurred.

4. A provider of noncompetitive service and its affiliate which is providing a potentially competitive service in accordance with this section are subject to all applicable statutes of this state and the United States relating to consumer and antitrust protections in the same manner as if the provider and its affiliate were not affiliated.

Sec. 44. *1. An electric distribution utility shall provide all noncompetitive services within its territory unless the commission authorizes another entity to provide the noncompetitive service.*

2. A noncompetitive service is subject to NRS 704.001 to 704.655, inclusive, 704.701 to 704.751, inclusive, 704.800, 704.805 and 704.815.

3. The commission shall adopt regulations for noncompetitive services that allow innovative pricing methods for noncompetitive services upon a finding that the innovative pricing, when compared to pricing of services provided pursuant to subsections 1 and 2, improves the performance of the service or lowers the cost of the service to the customer, or both. The regulations for innovative pricing must specify:

(a) The provisions that must be included in a plan of innovative pricing;

(b) The procedures for submitting an innovative plan for pricing to the commission for approval and implementation; and

(c) Which provisions of this chapter do not apply to pricing changes that are made during the period in which the innovative pricing plan is in effect.

4. The commission shall adopt regulations which ensure that a person who owns a transmission or distribution facility, or both, or a facility that provides access to a competitive service shall make the facilities available on equal and nondiscriminatory terms and conditions to all alternative sellers or to the customers of the alternative sellers, or both, as the commission may determine.

Sec. 45. *1. The commission shall designate a vertically integrated electric utility to provide electric service to customers who are unable to obtain electric service from an alternative seller or who fail to select an alternative seller. The provider so designated by the commission is obligated to provide electric service to the customers. Electric service provided by the utility pursuant to this section shall be deemed to be a noncompetitive service for which the utility may recover its costs pursuant to NRS 704.001 to 704.655, inclusive, 704.701 to 704.751, inclusive, 704.800, 704.805 and 704.815.*

2. Upon a finding by the commission that the public interest will be promoted, the commission may prescribe alternate methods for providing electric service to those customers described in subsection 1. The alternate methods may include, but are not limited to, the direct assignment of customers to alternative sellers or electric distribution services or a process of competitive bidding for the right to provide electric service to the designated customers.

3. The commission shall establish minimum terms and conditions under which electric service must be provided pursuant to this section, including a minimum period during which a customer must be obligated to pay for the electric service from the assigned provider. The price charged for electric

service for a particular group of customers must reflect the incremental cost of serving the group.

4. If the designated provider of the electric service is a vertically integrated electric utility, the utility shall provide the electric service through an affiliate whose sole business activity is the provision of electric service.

5. Except as otherwise provided in this subsection and subsection 6, the rate charged for residential service provided pursuant to subsection 1 must not exceed the rate charged for that service on July 1, 1997. The limitation set forth in this subsection is effective until 2 years after the date upon which, in accordance with section 39 of this act, the commission repeals the regulations which established the pricing method for that service and the terms and conditions for providing that service.

6. The commission may, in accordance with NRS 704.110, 704.120 and 704.130, approve an increase in the rate charged for residential service provided pursuant to subsection 1 in an amount that does not exceed the increase necessitated, if any, to ensure the recovery by the electric utility of its just and reasonable costs. The provisions of this section do not limit or prohibit in any manner the operation of any order issued by the commission before July 1, 1997.

Sec. 46. *1. The commission shall determine the recoverable costs associated with assets and obligations that are documented in the accounting records of a vertically integrated electric utility and that are properly allocable to a particular potentially competitive service as of the date on which alternative sellers of similar potentially competitive services begin providing such service to customers in this state. Shareholders of the vertically integrated electric utility must be compensated fully for all such costs determined by the commission. In determining the recoverable costs, the commission shall take into account:*

(a) The extent to which the utility was legally required to incur the costs of the assets and obligations;

(b) The extent to which the market value of the assets and obligations of the utility, relating to the provision of potentially competitive services, exceeds the costs of the assets and obligations;

(c) The effectiveness of the efforts of the utility to increase the market value and realize the market value of any assets, and to decrease the costs of any obligations, associated with the provision of potentially competitive services;

(d) The extent to which the rates previously established by the commission have compensated shareholders for the risk of not recovering the costs of the assets and obligations;

(e) The effects of the difference between the market value and the cost, including, without limitation, tax considerations, for the assets and obligations; and

(f) If the utility had the discretion to determine whether to incur or mitigate the costs, the conduct of the utility with respect to the costs of the assets and obligations when compared to other utilities with similar obligations to serve the public.

2. For the purposes of this section, the commission may impose a procedure for the direct and unavoidable recovery from ratepayers of the portion of the past costs which are determined by the commission to be owed by the ratepayers. The procedure must include a determination of the period over which the recovery may occur and include the authority for the commission to assess charges on those customers on whose behalf the vertically integrated electric utility incurred costs who are no longer receiving transmission or distribution service, or both, from the vertically integrated electric utility. Such determinations and procedures must not discriminate against a participant in the market.

3. A vertically integrated electric utility that seeks to recover the costs that arise from an obligation of a qualified facility shall submit to the commission a written memorandum or stipulation executed by the qualified facility that verifies the amount and term of the obligation. The vertically integrated electric utility shall attach a copy of the obligation and all modifications thereto that have been negotiated between the vertically integrated electric utility and the qualified facility and copies of any orders and stipulations executed to resolve any dispute between the vertically integrated electric utility and the qualified facility relating to the obligation.

4. Notwithstanding the provisions of any specific statute to the contrary, an electric utility that is subject to an existing qualified facility contract on the effective date of this section shall continue to honor that obligation. Nothing in sections 28 to 53, inclusive, of this act shall be deemed to authorize the commission to reopen, force the renegotiation of, or interfere with the enforcement of any such existing obligation. Nothing in this section requires an electric utility and a qualified facility to modify any contract that was in existence on June 1, 1997, between the electric utility and the qualified facility.

5. As used in this section:

(a) "Obligation of a qualified facility" means an executed power purchase agreement between an electric utility and a qualified facility.

(b) "Qualified facility" means a cogeneration or small power production facility that meets the criteria of and has been certified as a qualified facility pursuant to Title 18, Code of Federal Regulations, sections 292.201 to 292.207, inclusive, as those sections existed on June 1, 1997.

Sec. 47. *A vertically integrated electric utility shall take such reasonable steps as are necessary to minimize layoffs and any other adverse effects on the employees of the vertically integrated electric utility that result from the beginning of provision of potentially competitive services by*

alternative sellers. The commission shall, pursuant to section 46 of this act, give the vertically integrated electric utility a reasonable opportunity to recover the costs incurred in taking such reasonable steps required by this section, including, without limitation, cost for severance pay, retraining, job placement and early retirement.

Sec. 48. *1. The commission shall establish procedures to ensure that a customer of an alternative seller is not switched to another alternative seller without a reliable confirmation of the customer's intent to make such a change and approval of the specific details of the change.*

2. The commission shall establish minimum standards for the form and content of all disclosures, explanations or sales information disseminated by a person selling a competitive service to ensure that the person provides adequate, accurate and understandable information about the service which enables a customer to make an informed decision relating to the source and type of electric service purchased. Such standards:

(a) Must not be unduly burdensome;

(b) Must not unnecessarily delay or inhibit the initiation and development of competition for any service in any market; and

(c) May establish different requirements for disclosures, explanations or sales information relating to:

(1) Different services; or

(2) Similar services to different classes of customers,

whenever such different requirements are appropriate to carry out the provisions of sections 28 to 53, inclusive, of this act.

3. The commission, before the commencement of direct access to alternative sellers for an electric service, shall carry out an educational program for customers to:

(a) Inform customers of the changes in the provision of electric service, including, but not limited to, the availability of alternative sellers of electric service;

(b) Inform customers of the requirements relating to disclosures, explanations or sales information for sellers of competitive services; and

(c) Provide assistance to customers in understanding and using the information to make reasonably informed choices about which service to purchase and from whom to purchase it.

Sec. 49. *1. Each vertically integrated electric utility shall submit to the commission, pursuant to a schedule established by the commission, a plan for compliance with the requirements set forth in sections 28 to 53, inclusive, of this act and the applicable regulations. The vertically integrated electric utility shall include with the plan any information the commission needs to:*

(a) Set rates for electric services, including, but not limited to:

(1) A statement of the costs of the utility to provide the service.

(2) The amount of revenue required by the utility.

(b) Allocate among customers the costs of service and the requirements for revenues for noncompetitive services.

(c) Adopt regulations for potentially competitive services if a market is not sufficiently competitive.

2. The commission may exempt a vertically integrated electric utility or an alternative seller from the strict application of any provision of this chapter, other than the provisions of sections 28 to 53, inclusive, of this act, upon a determination by the commission that the exemption is necessary to achieve effective competition within the electric industry.

Sec. 50. *1. Except as otherwise provided in this section, the Colorado River commission may sell electricity and provide transmission service or distribution service, or both, to meet the existing and future requirements of:*

(a) Any customer that the Colorado River commission on the effective date of this section was serving or had a contract to serve; and

(b) The Southern Nevada Water Authority,

without being subject to the provisions of sections 28 to 53, inclusive, of this act or to the jurisdiction of the commission.

2. The Colorado River commission may sell electricity or provide transmission service or distribution service, or both, to customers whom the Colorado River commission was not serving, or with whom it did not have a contract, on the effective date of this section if the Colorado River commission:

(a) Obtains a license to act as an alternative seller; and

(b) Allows its system for transmission and distribution to be utilized by other alternative sellers pursuant to such terms and conditions as may be established by the commission.

3. As used in this section, "Southern Nevada Water Authority" has the meaning ascribed to it in NRS 538.041.

Sec. 51. *1. The commission shall develop regular forecasts of electric energy based on the information submitted to the commission pursuant to subsection 3. The forecast must include:*

(a) A description of the facilities needed to meet the future requirements for electric services;

(b) An evaluation of the extent to which a retail electric service is subject to competition;

(c) A description of those actions needed to accommodate competition in the provision of potentially competitive services; and

(d) An evaluation of whether sufficient capacity will be available to customers at a reasonable price and will be selected by customers after the commission has authorized the provision of potentially competitive services by alternative sellers.

2. If the commission determines that sufficient capacity will not be available to customers at a reasonable price, the commission may establish

equitable obligations for customers, electric distribution utilities or alternative sellers to ensure that sufficient capacity is made available. Any obligation that discriminates against or unduly burdens a customer, an electric distribution utility or an alternative seller is not reasonable and may not be imposed by the commission. The commission may, by regulation, specify those methods and procedures to ensure that sufficient capacity is made available, including competitive solicitations or other method or procedure deemed to be appropriate and necessary by the commission.

3. Each entity providing a potentially competitive service or a noncompetitive service shall submit to the commission annually, in the format prescribed by the commission, information that the commission determines is necessary to:

(a) Monitor the development of competition to provide electric services; and

(b) Ensure the availability of adequate, reliable, efficient and economic electric service.

Sec. 52. *1. The commission shall establish a portfolio for domestic energy standards that sets forth the minimum percentage of the total electricity sold during each calendar year that must be derived from renewable energy resources. The portfolio must:*

(a) Be set at two-tenths of one percent of the total amount of electricity annually consumed by customers in this state be derived from renewable energy sources as of January 1, 2001.

(b) Be increased biannually thereafter by two-tenths of one percent of the total annual electric consumption by the customers until the standard reaches a total of 1 percent of the total amount of electricity consumed.

(c) Be derived entirely from not less than 50 percent renewable energy systems.

(d) Be derived from not less than 50 percent solar energy resources.

(e) Be based on renewable energy credits, if applicable.

2. Each electric utility and alternative seller that provides electric service in this state shall comply with the portfolio standard established by the commission pursuant to this section. At the end of each calendar year, the electric utility and alternative seller shall submit a report, in a format approved by the commission, of the quantity of renewable energy and credits, if applicable, that the utility or alternative seller generated, purchased, sold and traded to meet the standards of the portfolio.

3. In establishing the portfolio pursuant to this section, the commission may establish a system of credits pursuant to which an electric utility and alternative seller may comply with the provisions of this section. A system of credits must provide that:

(a) Credits are issued by renewable energy systems for every kilowatt of energy which it produces; and

(b) Holders of credits may trade or sell the credits to other parties.

4. After the portfolio reaches 1 percent, the commission may, upon notice and hearing, increase the portfolio in such amounts as it determines is reasonable.

5. The electric utility and alternative seller shall submit a report to the commission that provides information relating to the compliance by the electric utility or alternative seller with the requirements of this section. Such reports must be made at least annually, unless the commission by regulation determines that such reports must be made more frequently than annually, and must include clear and concise information that sets forth:

(a) If the electric utility installed a renewable energy system during the period for which the report is being made, the date installation date;

(b) The capacity of renewable energy systems of the electric utility or alternative seller;

(c) The amount of production of energy from the renewable energy systems;

(d) The portion of the production of energy that is directly derived from renewable energy resources;

(e) The quantity of energy from renewable energy systems that is transmitted or distributed, or both, to customers in this state by the utility or alternative seller; and

(f) Such other information that the commission by regulation may deemed relevant.

6. Nothing in this section applies to:

(a) Rural electric cooperatives established pursuant to chapter 81 of NRS;

(b) General improvement districts established pursuant to chapter 318 of NRS; or

(c) Utilities established pursuant to chapter 709 or 710 of NRS.

7. As used in this section:

(a) "Renewable energy resources" means wind, solar, geothermal and biomass energy resources that are naturally regenerated.

(b) "Renewable energy system" means an energy system that utilizes renewable energy resources to produce electricity or solar thermal energy systems that reduce the consumption of electricity that was installed and commenced operations after July 1, 1997.

Sec. 53. *The commission shall prepare a quarterly report for the legislature that assesses the developments in the electric industry in the State of Nevada. The reports must be submitted to the director of the legislative counsel bureau for transmittal to the legislature and must include, but are not limited to, a discussion of:*

1. Whether there is effective competition for each potentially competitive service;

2. The compatibility of direct access for retail customers to alternative sellers with environmental goals;

3. The effects of direct access for retail customers to alternative sellers on each class of customers, compared to the noncompetitive regulatory structure;

4. The opportunities to cooperate, formally or informally, with other states or the Federal Government in the implementation of effective competition; and

5. Additional legislation necessary to achieve the goals of sections 28 to 53, inclusive, of this act.

Sec. 54. *1. The commission shall adopt regulations that require each utility which provides telecommunication services to:*

(a) An elementary or secondary public school; or

(b) A public library,

to establish discounts in the rates for the telecommunication services that the utility provides to that school or library. The amount of the discount must be determined by the commission in a manner that is consistent with the provisions of 47 U.S.C. § 254.

2. The commission shall adopt regulations that require each utility which provides telecommunication services to:

(a) Public or private providers of health care which serve persons in rural areas; or

(b) Persons with low income and persons in rural, insular and high-cost areas,

to ensure that such providers of health care and persons have access to telecommunication services that are reasonably comparable to those services available in urban areas and that the rates for such services charged by the utility are reasonably comparable to those charged in the urban areas, to the extent required by the provisions of 47 U.S.C. § 254.

3. The commission shall adopt regulations which set forth the requirements for eligibility for persons with low income and definitions for rural, insular and high-cost areas.

4. Any regulations adopted pursuant to this section must be consistent with the provisions of 47 U.S.C. § 254.

5. As used in this section, "public library" has the meaning ascribed to it in NRS 379.0057.

Sec. 55. *The provisions of NRS 704.820 to 704.900, inclusive, of this act do not apply to plants for generating electrical energy that are located in counties whose population is 100,000 or more.*

Sec. 56. *1. The commission may require that any person who constructs a plant for generating electrical energy after July 1, 1997, to offer up to 50 percent of the energy or capacity of the plant to all electric utilities and alternative sellers. If the offer is declined, the person may export the*

capacity of the project. If less than 50 percent of the capacity of such a plant sold during its first 156 months of commercial operation is sold to all electric utilities or alternative sellers, or both, in this state, the applicant shall reoffer the capacity of the plant to all public utilities in this state. This reoffer must provide an opportunity to purchase energy or capacity at fair market value and ensure that 50 percent of the total capacity of the plant is available to all electric utilities and alternative sellers in this state. Any purchase of energy or capacity as a result of the reoffer is effective 84 months after the execution of the contracts of purchase.

2. A person who constructs a plant for the generation of electricity after July 1, 1997, shall submit written evidence, in a manner required by the commission, of its compliance with the provisions of subsection 1 to the commission and the bureau of consumer protection. If the commission finds that the person has not complied or is not in compliance with the provisions of subsection 1, the commission may suspend the operation of the plant until the plant comes into compliance.

Sec. 57. *The commission shall expend up to $500,000 from its reserve account to provide education and informational services necessary to educate and inform the residents in this state on issues related to the provision of competitive utility services in this state. The commission shall contract with an independent person to provide such educational and informational services.*

Sec. 58. *As used in sections 58 to 63, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 59 and 60 of this act, have the meanings ascribed to them in those sections.*

Sec. 59. *"Person" includes a government, a governmental agency and a political subdivision of a government.*

Sec. 60. *"Potentially competitive service" means a component of service relating to the provision of natural gas to customers in this state that is determined by the commission to be suitable for purchase by customers from alternative sellers.*

Sec. 61. *1. Upon the receipt of a specific request for an exemption by a public utility that supplies natural gas, the commission may, to the extent it deems necessary, exempt any service offered by the public utility from the strict application of one or more provisions of this chapter. Such an exemption may be made only upon a determination by the commission, after notice and a hearing, that the service is competitive, discretionary or potentially competitive.*

2. The commission shall adopt regulations necessary to establish an alternative plan of regulation of a public utility that supplies natural gas and that is otherwise subject to regulation pursuant to the provisions of this chapter. The alternative plan may include, but is not limited to, provisions that:

(a) Allow adjustment of the rates charged by the public utility during the period in which the utility elects the alternative plan of regulation.

(b) Specify the provisions of this chapter that do not apply to a public utility which elects to be regulated under the alternative plan.

(c) Provide for flexibility of pricing for services that are discretionary, competitive or commercially viable.

3. A public utility that elects to be regulated under the alternative plan established pursuant to this section is not subject to the remaining provisions of this chapter to the extent specified pursuant to this section.

4. It is unlawful for an alternative seller to sell any service relating to the supply of natural gas to a customer for his consumption within this state without first having obtained a license from the commission to do so.

Sec. 62. *1. Not later than January 1, 1999, the commission shall, by regulation, set forth the procedures and conditions that alternative sellers must satisfy before obtaining a license to sell potentially competitive services to customers in this state, including, but not limited to:*

(a) Safety;

(b) Reliability of service;

(c) Financial reliability;

(d) Fitness to serve new customers; and

(e) Billing practices and customer services including the initiation and termination of service.

2. The commission may deny the application of a prospective alternative seller for a license, or may limit, suspend or revoke a license issued to an alternative seller, if the action is necessary to protect the interests of the public or to enforce the provisions of this chapter or a regulation of the commission. In determining whether to take any of those actions, the commission may consider whether the applicant for or holder of such a license, or any affiliate thereof, has engaged in activities which are inconsistent with effective competition.

Sec. 63. *1. A customer of natural gas within the service territory of a public utility that supplies natural gas who obtains his own supply of natural gas or capacity on a pipeline from a person other than the public utility for at least 30 continuous days may seek restoration of service from the public utility in accordance with the tariffs filed pursuant to this section.*

2. A public utility that supplies natural gas shall file a tariff with the commission that states the terms and conditions under which a customer may restore his gas service from the public utility pursuant to this section. The tariff must be reviewed by the commission and must include, without limitation:

(a) A procedure for reestablishing the gas service;

(b) Methods of accounting to be used for identifying and billing actual costs incurred by the public utility for:

(1) Reestablishing service;

(2) Obtaining new supplies of gas for the customers; and

(3) Acquiring and maintaining the necessary capacity for transporting the supplies of gas, if applicable;

(c) Methodology for determining the costs of administration and overhead costs; and

(d) Methods of accounting to determine any incremental costs incurred by the public utility to serve the customer or group of customers;

(e) Procedures for curtailment to be used in establishing priorities of service;

(f) Procedures that will be available to customers to resolve disputes in billing; and

(g) The minimum period during which the customer must take the resumed service.

3. For the purposes of this section, a public utility may charge its actual cost of obtaining any additional supply of gas to serve the returning customers. The commission may verify a public utilities compliance with its tariff filed pursuant to this section.

Sec. 64. NRS 704.001 is hereby amended to read as follows:

704.001 It is hereby declared to be the purpose and policy of the legislature in enacting this chapter:

1. To confer upon the commission the power, and to make it the duty of the commission, to regulate public [utilities;] *utilities to the extent of its jurisdiction;*

2. To provide for fair and impartial regulation of public utilities;

3. To provide for the safe, economic, efficient, prudent and reliable operation and service of public utilities; and

4. To balance the interests of customers and shareholders of public utilities by providing public utilities with the opportunity to earn a fair return on their investments while providing customers with just and reasonable rates.

Sec. 65. NRS 704.010 is hereby amended to read as follows:

704.010 "Commission" means the public [service] *utilities* commission of Nevada.

Sec. 66. NRS 704.020 is hereby amended to read as follows:

704.020 1. "Public utility" *or "utility"* includes:

(a) Any person who owns, operates, manages or controls any railroad or part of a railroad as a common carrier in this state, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, or any docks or wharves or storage elevators used in connection therewith, whether or not they are owned by the railroad.

(b) Telephone companies and other companies which provide telecommunication or a related service to the public.

(c) Radio or broadcasting instrumentalities providing common or contract service.

(d) All companies which own cars of any kind or character, used and operated as a part of railroad trains, in or through this state. All duties required of and penalties imposed upon any railroad or any officer or agent thereof are, insofar as applicable, required of and imposed upon the owner or operator of any telephone, radio and broadcasting companies, companies providing telecommunication or related services to the public and companies which own cars of any kind or character, used and operated as a part of railroad trains in or through this state, and their officers and agents, and the commission may supervise and control all such companies and persons to the same extent as railroads.

2. "Public utility" *or "utility"* also includes:

(a) Any person who owns, operates or controls any ditch, flume, tunnel or tunnel and drainage system, charging rates, fares or tolls, directly or indirectly.

(b) Any plant or equipment, or any part of a plant or equipment, within [the] *this* state for the production, delivery or furnishing for or to other persons, including private or municipal corporations, heat, gas, coal slurry, light, power in any form or by any agency, water for business, manufacturing, agricultural or household use, or sewerage service, whether or not within the limits of municipalities.

(c) Any system for the distribution of liquefied petroleum gas to 10 or more users.

The commission may supervise, regulate and control all such utilities, subject to the provisions of this chapter and to the exclusion of the jurisdiction, regulation and control of such utilities by any municipality, town or village, unless otherwise provided by law.

3. The provisions of this chapter and the term "public utility" apply to [:

(a) All charges connected with the transportation of persons or property, including icing charges and mileage charges.

(b) All] *all* railroads, express companies, car companies, and all associations of persons, whether or not incorporated, that do any business as a common carrier upon or over any line of railroad within this state.

[(c) Any common or contract carrier engaged in the transportation of passengers and property, except common or contract motor carriers subject to the provisions of chapter 706 of NRS.]

Sec. 67. NRS 704.030 is hereby amended to read as follows:

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

1. [Persons insofar as they own, control, operate or manage motor vehicles operated as hearses, ambulances or hotel buses engaged in the transportation of persons for hire exclusively within the limits of a city of this state.

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

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

(a) They serve 25 persons or less; and

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

[4. Any common motor carrier, contract motor carrier of passengers or property, or private motor carrier subject to the provisions of chapter 706 of NRS.

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

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

[7.] *5.* Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

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

7. Persons who are licensed as alternative sellers to provide electric services.

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

Sec. 68. NRS 704.032 is hereby amended to read as follows:

704.032 The commission on economic development may participate in proceedings before the public [service] *utilities* commission of Nevada concerning a public utility in the business of supplying electricity or natural gas to advocate the accommodation of the state plan for industrial development and diversification. The commission on economic development may intervene as a matter of right in a proceeding pursuant to NRS 704.736 to 704.755, inclusive.

Sec. 69. NRS 704.033 is hereby amended to read as follows:

704.033 1. The commission shall levy and collect an annual assessment from all public utilities subject to the jurisdiction of the commission.

2. Except as otherwise provided in subsection 3, the annual assessment must be:

(a) For the use of the commission, not more than 3.50 mills; and

(b) For the use of the consumer's advocate [,] *of the bureau of consumer protection in the office of the attorney general,* not more than 0.75 mills,

on each dollar of gross operating revenue derived from the intrastate operations of such utilities in the State of Nevada, except that the minimum assessment in any 1 year must be $10. The total annual assessment must be not more than 4.25 mills.

3. For railroads the total annual assessment must be the amount levied for the use of the commission pursuant to paragraph (a) of subsection 2. The levy for the use of the consumer's advocate must not be assessed against railroads.

4. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) Telephone utilities, except as provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues that are considered by the commission for the purpose of establishing rates.

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility for resale.

Sec. 70. NRS 704.035 is hereby amended to read as follows:

704.035 1. On or before June 1 of each year, the commission shall mail revenue report forms to all public utilities under its jurisdiction, to the address of those utilities on file with the commission. The revenue report form serves as notice of the commission's intent to assess the utilities, but failure to notify any utility does not invalidate the assessment with respect thereto.

2. Each public utility subject to the provisions of NRS 704.033 shall complete the revenue report referred to in subsection 1, compute the assessment and return the completed revenue report to the commission accompanied by payment of the assessment and any penalty due, pursuant to the provisions of subsection 5.

3. The assessment is due on July 1 of each year, but may, at the option of the public utility, be paid quarterly on July 1, October 1, January 1 and April 1.

4. The assessment computed by the utility is subject to review and audit by the commission, and the amount of the assessment may be adjusted by the commission as a result of the audit and review.

5. Any public utility failing to pay the assessment provided for in NRS 704.033 on or before August 1, or if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to such assessment, a penalty of 1 percent of the total unpaid balance for each month or portion thereof that the assessment is delinquent, or $10, whichever is greater, but no penalty may exceed $1,000 for each delinquent payment.

6. When a public utility sells, transfers or conveys substantially all of its assets or certificate of public convenience and necessity, the commission shall determine, levy and collect the accrued assessment for the current year not later than 30 days after the sale, transfer or conveyance, unless the transferee has assumed liability for the assessment. For purposes of this subsection the jurisdiction of the commission over the selling, transferring or conveying public utility continues until it has paid the assessment.

7. The commission may bring an appropriate action in its own name for the collection of any assessment and penalty which is not paid as provided in this section.

8. The commission shall, on a quarterly basis, transfer to the account for the consumer's advocate *of the bureau of consumer protection in the office of the attorney general* that portion of the assessments collected which belongs to the consumer's advocate.

Sec. 71. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 or as otherwise provided by the commission pursuant to NRS 704.095 or 704.097:

1. Whenever there is filed with the commission any schedule stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule resulting in a discontinuance, modification or restriction of service, the commission may, upon complaint or upon its own motion without complaint, at once, without answer or formal pleading by the interested utility, investigate or, upon reasonable notice, conduct a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending the investigation or hearing and the decision thereon, the commission, upon delivering to the utility affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for more than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. Whenever there is filed with the commission any schedule stating an increased individual or joint rate, fare or charge for service or equipment, the public utility shall submit with its application a statement showing the

recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. During any hearing concerning the increased rates, fares or charges determined by the commission to be necessary, the commission shall consider evidence in support of the increased rates, fares or charges based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but no new rates, fares or charges may be placed into effect until the changes have been experienced and certified by the utility to the commission. The commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the filing with the commission of the certification required in this subsection, or before the expiration of any period of suspension ordered pursuant to subsection 2, whichever time is longer, the commission shall make such order in reference to those rates, fares or charges as is required by this chapter.

4. After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the commission may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

5. Whenever an application is filed by a public utility for an increase in any rate, fare or charge based upon increased costs in the purchase of fuel or power, and the public utility has elected to use deferred accounting for costs of the purchase of fuel or power in accordance with the commission's regulations, the commission, by appropriate order after a public hearing, shall allow the public utility to clear the deferred account not more often than every 6 months by refunding any credit balance or recovering any debit balance over a period not to exceed 1 year as determined by the commission. The commission shall not allow a recovery of a debit balance or any portion thereof in an amount which would result in a rate of return in excess of the rate of return most recently granted the public utility.

6. Except as otherwise provided in subsection 7 or in NRS 707.350, whenever a general rate application for an increased rate, fare or charge for, or classification, regulation, discontinuance, modification, restriction or practice involving service or equipment has been filed with the commission, a public utility shall not submit another general rate application until all pending general rate applications for increases in rates submitted by that public utility have been decided unless, after application and hearing, the commission determines that a substantial financial emergency would exist if the other application is not permitted to be submitted sooner.

7. A public utility may not file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale more often than once every 30 days.

8. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 [or 704.755] and accepted by the commission for acquisition or construction pursuant to NRS 704.751 [or 704.755] and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility. [For the purposes of] *As used in* this subsection, "utility facility" has the meaning ascribed to it in subsections 1 [, 2 and 3] *and 2* of NRS 704.860.

Sec. 72. NRS 704.130 is hereby amended to read as follows:

704.130 1. All rates, [fares,] charges, classifications and joint rates fixed by the commission are in force, and are prima facie lawful, from the date of the order until changed or modified by the commission, or pursuant to NRS 703.373 to 703.376, inclusive.

2. All regulations, practices and service prescribed by the commission must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, pursuant to the provisions of NRS 703.373 to 703.376, inclusive, or until changed or modified by the commission itself upon satisfactory showing made, or by the public utility by filing a bond pursuant to NRS 703.374.

Sec. 73. NRS 704.185 is hereby amended to read as follows:

704.185 1. A public utility [which purchases fuel, including] *that supplies* natural gas for resale [, or power] may record upon its books and records all cost increases or decreases in [fuels or purchased power] *the cost of the gas* in deferred accounts. Any public utility *that supplies natural gas* which utilizes deferred accounting to reflect changes in costs of [fuels and purchased power] *gas* shall include in its annual report to the commission a statement showing the allocated rate of return for each of its operating departments in Nevada which uses deferred accounting.

2. If the rate of return for any department using deferred accounting is greater than the rate of return allowed by the commission in the last rate proceeding, the commission shall order the utility *that supplies natural gas*

which recovered any deferred [fuel and purchased power] costs *of gas* through rates during the reported period to transfer to the next energy adjustment period that portion of such recovered amounts which exceeds the authorized rate of return.

Sec. 74. NRS 704.190 is hereby amended to read as follows:

704.190 1. Every public utility operating in this state shall, whenever an accident occurs in the conduct of its operation causing death, give prompt notice thereof to the commission, in such manner and within such time as the commission may prescribe. If in its judgment the public interest requires it, the commission may cause an investigation to be made forthwith of any accident, at such place and in such manner as the commission shall deem best.

2. Every such public utility shall report to the commission, at the time, in the manner and on such forms as the commission shall by its printed rules and regulations prescribe, all accidents happening in this state and occurring in, on or about the premises, plant, instrumentality or facility used by any such utility in the conduct of its business.

3. The commission shall [promulgate and] adopt all reasonable rules and regulations necessary for the administration and enforcement of this section. Such rules and regulations [shall in any event] *must* require that all accidents required to be reported herein [shall] be reported to the commission at least once every calendar month by such officer or officers of the utility as the commission shall direct.

4. The commission shall adopt and utilize all accident report forms, which forms shall be so designed as to provide a concise and accurate report of the accident and which report shall in any event show the true cause of the accident. The accident report forms adopted for the reporting of railroad accidents shall be the same in design as near as may be as the railroad accident report forms provided and used by the [Interstate Commerce Commission.] *Surface Transportation Board.*

5. If any accident reported to the commission shall be reported by the utility as being caused by or through the negligence of an employee and thereafter such employee is absolved from such negligence by the utility and found not to be responsible for the accident, such fact [shall] *must* be reported by the utility to the commission.

6. All accident reports herein required [shall] *must* be filed in the office of the commission and there preserved. Notwithstanding any other provisions of law, neither any accident report made as required by this chapter, nor any report of the commission made pursuant to any accident investigation made by it, [shall be] *is* open to public inspection or disclosed to any person, except upon order of the commission, nor [shall] *may* either or any of the reports, or any portion thereof, be admitted as evidence or used for

any purpose in any suit or action for damages growing out of any matter mentioned in the accident report or report of any such investigation.

Sec. 75. NRS 704.210 is hereby amended to read as follows:

704.210 The commission may:

1. Adopt necessary and reasonable regulations governing the procedure, administration and enforcement of the provisions of this chapter, subject to the provisions of NRS 416.060.

2. Prescribe classifications of the service of all public utilities and, except as otherwise provided in NRS 704.075, fix and regulate the rates therefor.

3. Fix just and reasonable charges for [transportation of all intrastate freight and passengers, accommodations in sleeping cars and all matter carried by express companies within the state, for the transportation of messages by telegraph companies,] and the rates and tolls for the use of telephone lines within the state.

4. Adopt just and reasonable regulations for the apportionment of all joint rates and charges between public utilities.

5. Consider the need for the conservation of energy when acting pursuant to the provisions of subsections 1, 2 and 3.

Sec. 76. NRS 704.223 is hereby amended to read as follows:

704.223 1. If a business with a new industrial load has been certified by the commission on economic development pursuant to NRS 231.139, the public [service] *utilities* commission of Nevada may authorize a public utility that furnishes electricity for the business to purchase or transmit a portion of the electricity provided to the business to reduce the overall cost of the electricity to the business. The purchases of electricity may be made by the business with the new industrial load, by agreement between the public utility and the business or by the public utility on behalf of the business, and must be made in accordance with such rates, terms and conditions as are established by the public [service] *utilities* commission of Nevada.

2. If additional facilities are determined by the affected utility to be required as the result of authorization granted pursuant to subsection 1, the facilities must be constructed, owned and operated by the affected utility. The business must agree as a condition to the authorization granted pursuant to subsection 1 to continue its business in operation in Nevada for 30 years. The agreement must require appropriate security for the reimbursement of the utility for the remaining portion of the value of the facilities which has not been depreciated by the utility and will not be mitigated by use of the facilities for other customers in the event that the business, or its successor in interest, does not remain in operation for 30 years.

3. Nothing in this section authorizes the Federal Energy Regulatory Commission to order the purchase or transmittal of electricity in the manner described in subsection 1.

4. All of the rules, regulations and statutes pertaining to the public [service] *utilities* commission of Nevada and public utilities apply to actions taken pursuant to this section.

5. Any authorization granted by the public [service] *utilities* commission of Nevada pursuant to this section must include such terms and conditions as the commission determines are necessary to ensure that the rates or charges assessed to other customers of the public utility do not subsidize the cost of providing service to the business.

Sec. 77. NRS 704.275 is hereby amended to read as follows:

704.275 The commission shall determine whether a hearing must be held when the proposed change by a public utility furnishing telephone service in any schedule stating a new or revised individual or joint rate [, fare] or charge, or any new or revised individual or joint regulation or practice affecting any rate [, fare] or charge, will result in an increase in annual gross revenue as certified by the applicant of $50,000 or 10 percent of the applicant's gross revenue, whichever is less.

Sec. 78. NRS 704.310 is hereby amended to read as follows:

704.310 1. Whenever any person, company, corporation or association which is not engaged in business as a public utility as defined by this chapter, and which does not furnish, sell, produce or deliver to others light, heat [, power or water,] *or power,* under a franchise received from [the] *this* state or from any county or municipality within [the state, shall be] *this state, is* able, from any surplus beyond the needs or requirements of its own business, and [shall desire] *desires* to sell, produce, furnish and deliver to any other person, company, association or corporation any light, heat [, power or water, such] *or power, the* person, company, association or corporation shall apply to the commission for authority to sell, produce, furnish or deliver any such surplus light, heat [, power or water,] *or power,* and shall submit to the commission the proposed contract by which such light, heat [, power or water] *or power* is to be sold, furnished, produced or delivered.

2. The commission shall thereupon ascertain whether it is advisable in the public interest that [such] *the* contract be executed and, if the commission [shall approve such] *approves the* contract, then [such] *the* person, company, corporation or association [shall have] *has* the right to furnish, sell, produce and deliver such light, heat [, power or water] *or power* in accordance with the terms of [such] *the* contract, and [shall] *does* not thereby become a public utility within the meaning of this chapter, nor [shall it be] *is it* subject to the jurisdiction of the commission.

Sec. 79. NRS 704.340 is hereby amended to read as follows:

704.340 1. Subject to the provisions of subsection 3, a municipality constructing, leasing, operating or maintaining any public utility or a trust created for the benefit and furtherance of any public function pursuant to the provisions of general or special law, [other than a trust which undertakes to

provide transportation by use of a motor vehicle as a common or contract carrier,] is not required to obtain a certificate of public convenience, but any trust so created which undertakes the operation of a public utility shall first submit a certified copy of the trust documents or prepared trust documents to the commission together with a detailed explanation of the purposes, scope, area to be affected and such other pertinent information necessary to assist the commission in making a determination as to whether the service presently being offered by any existing public utility would be unreasonably impaired by the approval of such trust documents.

2. The commission shall, after investigation and hearing on any contemplated trust coming within the provisions of subsection 1, submit a report of its findings and reasons therefor to the state and each political subdivision within which such trust contemplates operation. Such trust [shall] *does* not become effective unless and until written approval has been given by the commission.

3. If a municipality assumes operation and control of a package plant for sewage treatment pursuant to the provisions of NRS 445A.555 or subsection 2 or 3 of NRS 268.4105, the plant is exempt from the jurisdiction of the commission only for the period of time the municipality continues the maintenance and operation of the plant. The certificate of public convenience as it applies to that plant is suspended for that period of time.

Sec. 80. NRS 704.640 is hereby amended to read as follows:

704.640 Any person who:

1. Operates any public utility to which NRS 704.005 to 704.751, inclusive, *and sections 58 to 63, inclusive, of this act,* applies without first obtaining a certificate of public convenience and necessity or in violation of its terms;

2. Fails to make any return or report required by NRS 704.005 to 704.751, inclusive, *and sections 58 to 63, inclusive, of this act,* or by the commission pursuant to NRS 704.005 to 704.751, inclusive [;] *and sections 58 to 63, inclusive, of this act;*

3. Violates, or procures, aids or abets the violating of any provision of NRS 704.005 to 704.751, inclusive [;] *and sections 58 to 63, inclusive, of this act;*

4. Fails to obey any order, decision or regulation of the commission;

5. Procures, aids or abets any person in his failure to obey the order, decision or regulation; or

6. Advertises, solicits, proffers bids or otherwise holds himself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.751, inclusive, *and sections 58 to 63, inclusive, of this act,* shall be fined not more than $500.

Sec. 81. NRS 704.669 is hereby amended to read as follows:

704.669 1. Except as *otherwise* provided in subsection 2, every corporation or other person who sells geothermal energy to the public is affected with a public interest, is a public utility and is subject to the jurisdiction and control of the commission. The authority of the commission to regulate such persons is limited to the authority granted by this section and NRS 704.033 and 704.035.

2. This section does not apply to any corporation or other person described in subsection [6] *4* of NRS 704.030 or to any political subdivision of the state authorized to sell energy to the public.

3. The commission shall adopt just and reasonable regulations governing the sale of energy from geothermal resources to the public. The regulations must provide for a system of operating permits which:

(a) May not be denied because the area which the applicant proposes to serve is already being served by a gas or electric utility.

(b) May not convey an exclusive right to supply geothermal energy in the area which the applicant proposes to serve.

(c) Specify in each case the geographic area in which the applicant reasonably can provide the services authorized in the permit.

(d) Require the applicant to enter into a contract with each customer served by the utility. The form and scope of the contract must be subject to review and approval of the commission. The contract must specify at least:

(1) The period of time during which service will be provided. The contract must provide for a period of at least 3 years unless such a provision is expressly waived by the customer.

(2) The rates or the formula for determining rates to be charged during the term of the contract.

(3) That the utility will submit to binding arbitration, pursuant to chapter 38 of NRS, matters relating to damages suffered by the customer as a result of a disruption in service and that in any such arbitration, the utility is liable for damages unless it establishes that the disruption was caused by circumstances beyond its control, or another affirmative defense, or establishes that it was not negligent.

4. Before issuing an operating permit the commission must find that:

(a) The applicant is fit, willing and able to provide the services authorized in the permit.

(b) The applicant has tested the geothermal reservoir to determine whether it appears to be capable of providing sufficient energy to supply the intended uses.

(c) The system which the applicant intends to use to produce and distribute the heat meets appropriate standards.

5. The commission has continuing authority to regulate the utilities described in this section to ensure that each utility adheres to the conditions

set forth in its operating permit and that the utility provides adequate services.

Sec. 82. NRS 704.755 is hereby amended to read as follows:

704.755 [1.] A utility which supplies natural gas in this state shall [, periodically, as] *file annually with the commission, in a format* prescribed by the commission, [submit to the commission a plan] *an informational report* which describes:

[(a)] *1.* The anticipated demand for natural gas made on its system by its customers;

[(b)] *2.* The estimated cost of supplying natural gas sufficient to meet the demand and the means by which the utility proposes to minimize that cost; [and

(c)] *3.* The sources of planned acquisitions of natural gas, including an estimate of the cost and quantity of the acquisitions to be made from each source and an assessment of the reliability of the source [.

2. The commission shall, by regulation, provide for the procedure and schedule for and the contents and method of preparing, reviewing and approving the plan.

3. The costs of preparing the plan are allowable expenses of the utility for the purpose of establishing rates. The commission may provide for the timely recovery of those costs.

4. The application of this section is limited to any public utility in the business of supplying natural gas which has an annual operating revenue in this state of $10,000,000 or more.] *; and*

4. Significant operational or capital requirements of the utility related to its provision of gas service in this state.

Sec. 83. NRS 704.820 is hereby amended to read as follows:

704.820 NRS 704.820 to 704.900, inclusive, *and sections 55 and 56 of this act* shall be known and may be cited as the Utility Environmental Protection Act.

Sec. 84. NRS 704.825 is hereby amended to read as follows:

704.825 1. The legislature hereby finds and declares that:

(a) There is at present and will continue to be a growing need for electric, gas and water services which will require the construction of new facilities. It is recognized that such facilities cannot be built without in some way affecting the physical environment where such facilities are located.

(b) It is essential in the public interest to minimize any adverse effect upon the environment and upon the quality of life of the people of the state which such new facilities might cause.

(c) Present laws and practices relating to the location of such utility facilities should be strengthened to protect environmental values and to take into account the total cost to society of such facilities.

(d) Existing provisions of law may not provide adequate opportunity for natural persons, groups interested in conservation and the protection of the environment, state and regional agencies, local governments and other public bodies to participate in [any and all proceedings before the public service commission of Nevada] *proceedings* regarding the location and construction of major facilities.

2. The legislature, therefore, hereby declares that it is the purpose of NRS 704.820 to 704.900, inclusive, to provide a forum for the expeditious resolution of all matters concerning the location and construction of electric, gas and water transmission lines and associated facilities.

Sec. 85. NRS 704.850 is hereby amended to read as follows:

704.850 "Person" includes a *natural person, corporation, partnership, public utility,* government, [a] governmental agency , [and a] political subdivision of a government [.] *and any other entity that seeks to construct a utility facility.*

Sec. 86. NRS 704.855 is hereby amended to read as follows:

704.855 1. "Public utility" or "utility" includes those public utilities defined in NRS 704.020 and not excluded by NRS 704.030 and any oil pipeline carrier described and regulated under chapter 708 of NRS.

2. ["Public utility" also includes any corporation which:

(a) Is a parent or an affiliated corporation of a public utility or a subsidiary of that parent or affiliated corporation; and

(b) Owns, independently or in combination with any other public utility, a one-third interest in a utility facility.

3.] "Public utility" does not include plants or equipment used to generate electrical energy that is wholly consumed on the premises of and by the producer thereof.

Sec. 87. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities;

2. Electric transmission lines and transmission substations designed to operate at 200 kilovolts or more, and not required by local ordinance to be placed underground when constructed outside any incorporated city;

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside any incorporated city;

4. Telephone and telegraph equipment buildings, their associated facilities and the sites thereof, when constructed outside any incorporated city;

5. Water storage, transmission and treatment facilities [;] , *other than facilities for the storage, transmission or treatment of water from mining operations;* and

6. Sewer transmission and treatment facilities.

Sec. 88. NRS 704.870 is hereby amended to read as follows:

704.870 1. A [public utility which] *person who* applies for a permit must file with the commission an application, in such form as the commission prescribes, containing:

(a) A description of the location and of the utility facility to be built thereon;

(b) A summary of any studies which have been made of the environmental impact of the facility; *and*

(c) [A statement explaining the need for the facility; *and*

(d)] A description of any reasonable alternate location or locations for the proposed facility, a description of the comparative merits or detriments of each location submitted, and a statement of the reasons why the primary proposed location is best suited for the facility . [;

(e) A summary of the examination of conservation measures and alternative sources of energy which was made before the construction of a facility using fossil fuel; and

(f) Such other information as the applicant may consider relevant or as the commission may by regulation or order require.]

A copy or copies of the studies referred to in paragraph (b) must be filed with the commission and be available for public inspection.

2. [A person who is not a public utility and who applies for a permit must file with the commission an application, in such form as the commission prescribes, containing:

(a) A description of the location and of the utility facility to be built thereon;

(b) A summary of any studies which have been made of the environmental impact of the facility; and

(c) Such other information as the applicant may consider relevant.

3.] A copy of the application must be filed with the administrator of the division of environmental protection of the state department of conservation and natural resources.

[4.] *3.* Each application must be accompanied by:

(a) Proof of service of a copy of the application on the clerk of each local government in the area in which any portion of the facility is to be located, both as primarily and as alternatively proposed; and

(b) Proof that public notice thereof was given to persons residing in the municipalities entitled to receive notice [under] *pursuant to* paragraph (a) by the publication of a summary of the application in newspapers published and distributed in the area in which the utility facility is proposed to be located.

Sec. 89. NRS 704.885 is hereby amended to read as follows:

704.885 1. The parties to a permit proceeding include:

(a) The applicant.

(b) The division of environmental protection of the state department of conservation and natural resources.

(c) Each local government entitled to receive service of a copy of the application [under subsection 4] *pursuant to subsection 3* of NRS 704.870, if it has filed with the commission a notice of intervention as a party, within [45] *30* days after the date it was served with a copy of the application.

(d) Any person residing in a local government entitled to receive service of a copy of the application [under subsection 4] *pursuant to subsection 3* of NRS 704.870, if such a person has petitioned the commission for leave to intervene as a party within [45] *30* days after the date of the published notice and if the petition has been granted by the commission for good cause shown.

(e) Any domestic nonprofit corporation or association, formed in whole or in part to promote conservation of natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups, or to promote the orderly development of the areas in which the facility is to be located, if it has filed with the commission a notice of intent to be a party within [45] *30* days after the date of the published notice.

2. Any person may make a limited appearance in the proceeding by filing a statement of position within [45] *30* days after the date of the published notice. A statement filed by a person making a limited appearance becomes part of the record. No person making a limited appearance has the right to present oral testimony or cross-examine witnesses.

3. The commission may, for good cause shown, grant a petition for leave to intervene as a party to participate in subsequent phases of the proceeding, filed by a municipality, government agency, person or organization who is identified in paragraph (c), (d) or (e) of subsection 1, but who failed to file in a timely manner a notice of intervention, a petition for leave to intervene or a notice of intent to be a party, as the case may be.

Sec. 90. NRS 704.890 is hereby amended to read as follows:

704.890 1. [The] *Within 150 days after a person has filed an application for a permit, the* commission shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions or modifications of the construction, operation or maintenance of the utility facility as the commission deems appropriate.

2. The commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the commission, to a [public utility] *person* unless it finds and determines:

(a) [The basis for the need of the facility;

(b)] The nature of the probable effect on the environment;

[(c)] *(b)* That the facility represents the minimum adverse effect on the environment, considering the state of available technology and the nature

and economics of the various alternatives [, and other pertinent considerations;] ;

[(d)] *(c)* That the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder; *and*

[(e)] *(d)* That the facility will serve the public interest . [; and

(f) That if the facility or a part thereof is intended to meet the requirements of customers in this state for electricity, it is included in the utility's plan to increase its supply of electricity or decrease the demands made on its system by its customers.

3. The commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the commission, to a person other than a public utility unless it finds and determines:

(a) The nature of the probable environmental impact; and

(b) That the location of the facility as proposed conforms to applicable state and local environmental laws and regulations issued thereunder.

4.] *3.* If the commission determines that the location of all or a part of the proposed facility should be modified, it may condition its permit upon such a modification.

[5.] *4.* A copy of the order and any opinion issued with it must be served upon each party.

[6. The commission may require that any person applying for a permit to construct a plant for generating electrical energy offer the energy or capacity of the project to all public utilities in this state which primarily serve retail customers. If the offer is declined, the applicant may export the capacity of the project. If less than 50 percent of the capacity of such a project sold during its first 156 months of commercial operation is sold to public utilities in this state, the applicant shall reoffer the capacity of the project to all public utilities in this state. This reoffer must provide an opportunity to purchase energy or capacity at fair market value and ensure that 50 percent of the total capacity of the project is available to public utilities in this state. Any purchase of energy or capacity as a result of the reoffer is effective 84 months after the execution of the contracts of purchase.]

Sec. 91. NRS 704.891 is hereby amended to read as follows:

704.891 Any person other than a public utility who receives a permit pursuant to subsection [3] *2* of NRS 704.890 shall, on or before the date *on which* construction of a utility facility is commenced and on a date no later than 12 months before the scheduled date of commercial operation of that facility, file with the commission reports which contain:

1. The location, nature and capacity of that facility;
2. The anticipated date for commercial operation of that facility;

3. Information regarding whether any public utility in this state has contracted for the purchase of the capacity or other services of that facility; and

4. Information regarding whether any capacity or other services of that facility is available for purchase by public utilities in this state.

Sec. 92. NRS 704.950 is hereby amended to read as follows:

704.950 1. The tenant of a lot in a mobile home park or occupant of a dwelling in a company town who believes that the landlord or owner has violated the provisions of NRS 704.930, 704.940 or 704.960 may complain to the division of consumer [relations] *complaint resolution* of the commission. The division shall receive and promptly investigate the complaint. If the division is unable to resolve the complaint, the division shall transmit the complaint and its recommendation to the commission.

2. The commission shall investigate, give notice and hold a hearing upon the complaint, applying to the extent practicable the procedures provided for complaints against public utilities in chapter 703 of NRS.

3. If the commission finds that the landlord of the mobile home park or owner of the company town has violated the provisions of NRS 704.930, 704.940 or 704.960, it shall order him to cease and desist from any further violation. If the violation involves an overcharge for a service, the commission shall determine the amount of the overcharge and order the landlord or owner to return that amount to the tenant or occupant within a specified time.

4. If the landlord or owner fails or refuses to comply with its order, the commission may compel compliance by any appropriate civil remedy available to it under this chapter. For the purposes of compelling compliance by the landlord or owner, the commission may use such methods as are available for the commission to compel the compliance of a public utility.

Sec. 93. NRS 704A.180 is hereby amended to read as follows:

704A.180 1. Within 15 days after the receipt of the petition, each public utility corporation other than the municipality shall notify the municipality of the petition's receipt and shall request the municipality to notify the public utility corporation of the basis to be used by the municipality in the apportionment of the costs to be defrayed by special assessments levied against the specially benefited lots within the proposed service district if the facilities of the public utility corporation therein are to be placed underground under this chapter.

2. Within 30 days of the receipt by the municipality of each such request, or, if the public utility corporation is the municipality, the petition, the governing body shall state, by resolution, the basis for the apportionment of those costs by assessments against the specially benefited lots, subject to the provisions of subsections 5 and 6 of NRS 704A.240, and shall forthwith

cause a certified true copy of the resolution pertaining to each public utility corporation requesting the basis of assessments to be furnished thereto.

3. Within 120 days after receipt of the basis for assessments, or, if the public utility corporation is the municipality, after the adoption of the resolution, each public utility corporation serving the area shall:

(a) Make a study of the cost of providing new underground electric and communication facilities or conversion of its facilities in the area to underground service.

(b) Make available in its office to the petitioners and to all owners of real property within the proposed service district a joint report of the results of the study of the public utility corporations affected.

4. If a public utility corporation subject to the jurisdiction of the public [service] *utilities* commission of Nevada determines as a result of the study that installation of the proposed service is not economically or technically feasible, it may, with the concurrence of the public [service] *utilities* commission of Nevada, so state in the joint report and proceed no further toward installation of the proposed service. Nothing in this chapter requires the public [service] *utilities* commission of Nevada to participate in preparation of the joint report referred to in this section.

5. If a public utility corporation is a city or county and if it determines as a result of the study that installation of the proposed service is not economically or technically feasible, it may, with the concurrence of its governing body, as provided by resolution so state in the joint report and proceed no further toward installation of the proposed service.

6. Except for the facilities of each public utility corporation described in subsection 4 or 5, if any, the joint report must:

(a) Contain an estimate of the costs to be assessed to each lot of real property located within the proposed service district for the construction of new facilities or conversion of facilities within public places.

(b) Indicate the estimated cost to be assessed to each lot of real property for placing underground the facilities of the public utility corporation located within the boundaries of each lot.

(c) Indicate the estimated cost, if any, to be borne by the public utility corporation for any facilities to be provided by it and which remain its property rather than becoming property of owners of individual lots, as provided by regulations of the public [service] *utilities* commission of Nevada in the case of a public utility corporation other than a city or county, and, in the case of any public utility corporation, by any other applicable laws, ordinances, rules or regulations.

7. The costs of preparing the joint report must be borne by the public utility corporation or corporations whose electric or communication facilities are to be included in the proposed service district unless the governing body

orders the establishment of the service district, in which event the costs must be included in the costs of the service district.

Sec. 94. NRS 704A.240 is hereby amended to read as follows:

704A.240 1. At the place, date and hour specified for the hearing in the notice or at any subsequent time to which the hearing may be adjourned the governing body shall give full consideration to all written objections which have been filed and shall hear all owners of real property within the proposed service district desiring to be heard.

2. If the governing body determines at the hearing that:

(a) The requirements for the establishment of a service district have been satisfied;

(b) Objections have not been filed in writing by more than 40 percent of the owners of real property within the proposed service district, or by owners of more than 40 percent of the real property on a square foot basis in the proposed service district;

(c) Considering all objections, the cost of construction or conversion as contained in the joint report prepared pursuant to NRS 704A.180 is economically and technically feasible for the public utility corporations involved and the owners of real property affected; and

(d) The proposed service district is a reasonably compact area of reasonable size,

the governing body shall enact an ordinance establishing the area as a service district.

3. The ordinance [shall:] *must:*

(a) State the costs to be assessed to each lot in the service district, [which shall include] *including* the appropriate share of all costs referred to in NRS 704A.180 and 704A.210.

(b) Direct the public utility corporation owning overhead electric or communication facilities within the service district to construct or convert such facilities to underground facilities and, in the case of a public utility corporation other than a city or county, in accordance with standard underground practices and procedures approved by the public [service] *utilities* commission of Nevada.

(c) State the method of levying assessments, the number of installments, and the times when the costs assessed will be payable.

4. Before enacting an ordinance establishing a service district, the governing body shall exclude by resolution or ordinance any territory described in the petition which the governing body finds will not be benefited by inclusion in the service district or for which territory construction or conversion is not economically or technically feasible.

5. The basis for apportioning the assessments:

(a) [Shall] *Must* be in proportion to the special benefits derived to each of the several lots comprising the assessable property within the service district; and

(b) [Shall] *Must* be on a front foot, area, zone or other equitable basis as determined by the governing body.

6. Regardless of the basis used for the apportionment of assessments, in cases of wedge or V or any other irregularly shaped lots, an amount apportioned thereto [shall] *must* be in proportion to the special benefits thereby derived.

7. The assessable property in the service districts consists of the lots specially benefited by the construction or conversion of service facilities, except:

(a) Any lot owned by the Federal Government in the absence of consent of Congress to its assessment; and

(b) Any lot owned by the municipality.

Sec. 95. NRS 704A.300 is hereby amended to read as follows:

704A.300 1. The service facilities within the boundaries of each lot within an underground conversion service district must be placed underground at the same time as or after the underground system in private easements and public places is placed underground. The public utility corporation involved, directly or through a contractor, shall, in accordance with the rules and regulations of the public utility corporation, but subject to the regulations of the public [service] *utilities* commission of Nevada in the case of a public utility corporation other than a city or county, and, in the case of any [public] utility corporation, subject to any other applicable laws, ordinances, rules or regulations of the municipality or any other public agency under the police power, convert to underground its facilities on any such lot in the case of:

(a) An electric public utility, up to the service entrance.

(b) A communication public utility, to the connection point within the house or structure.

2. All costs or expenses of conversion must be included in the costs on which the underground conversion cost for such property is calculated, as provided in this chapter.

Sec. 96. NRS 705.210 is hereby amended to read as follows:

705.210 1. As used in this section:

(a) "Employees" means persons actually engaged in or connected with the movement of any train.

(b) "Railroad" includes all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract agreement or lease.

2. The provisions of this section [shall] apply to any common carrier or carriers, their officers, agents and employees engaged in the transportation of passengers or property by railroad in the State of Nevada.

3. It [shall be] *is* unlawful for any common carrier, its officers or agents, subject to this section, to require or permit any employee subject to this section to be or remain on duty for a longer period than 16 consecutive hours, and whenever any such employee of such common carrier [shall have] *has* been continuously on duty for 16 hours he [shall] *must* be relieved and not required or permitted again to go on duty until he has had at least 10 consecutive hours off duty. No such employee who has been on duty 16 hours in the aggregate in any 24-hour period [shall] *must* be required or permitted to continue or again go on duty without having had at least 8 consecutive hours off duty.

4. No employee who, by the use of the telegraph or telephone or other electrical device, dispatches, reports, transmits, receives or delivers orders or who from towers, offices, places and stations operates signals or switches or similar mechanical devices controlling, pertaining to, or affecting the movement of trains of more than two cars [shall] *must* be required or permitted to be or remain on duty in any 24-hour period for a longer period than 8 hours, which [period of 8 hours shall] *must* be wholly within the limits of a continuous shift and upon the completion of [which period such employee shall] *that period the employee must* not be required or permitted again to go on duty until the expiration of 16 hours. This subsection [shall] *does* not apply to employees who , in case of emergency , use the telephone to obtain orders or information governing the movement of trains. In case of emergency, [the employees named in this subsection] *such employees* may be permitted to be and remain on duty for 4 additional hours in a 24-hour period of not exceeding 3 days in any week.

5. Any common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be or remain on duty in violation of subsections 3 and 4 shall be punished by a fine of not more than $500.

6. In all prosecutions under this section the common carrier shall be deemed to have had knowledge of all acts of its officers and agents.

7. The provisions of this section [shall] *do* not apply:

(a) In any case of casualty or unavoidable accident or the act of God.

(b) Where the delay was the result of a cause not known to the carrier or its officers or agents in charge of such employee at the time the employee left the terminal and which could not have been foreseen.

(c) To the crews of wrecking or relief trains.

(d) To railroads not maintaining a regular night train schedule.

8. The public [service] *utilities* commission of Nevada shall:

(a) Execute and enforce the provisions of this section, and all powers granted by law to the public [service] *utilities* commission of Nevada are hereby extended to it in the execution of this section.

(b) Lodge with the proper district attorneys information of any violations of this section which may come to its knowledge.

Sec. 97. NRS 705.360 is hereby amended to read as follows:

705.360 1. Every company, corporation lessee, manager or receiver, owning or operating a railroad in this state, shall equip, maintain, use and display at night upon each locomotive being operated in road service in this state an electric or other headlight of at least 1,500 candle power, measured without the aid of a reflector. Any electric headlight which will pick up and distinguish a man dressed in dark clothes upon a dark, clear night at a distance of 1,000 feet is deemed the equivalent of a 1,500 candle power headlight measured without the aid of a reflector.

2. This section does not apply to:

(a) Locomotive engines regularly used in switching cars or trains.

(b) Railroads not maintaining regular night train schedules.

(c) Locomotives going to or returning from repair shops when ordered in for repairs.

3. Any railroad company, or the receiver or lessee thereof, which violates the provisions of this section is liable to the public [service] *utilities* commission of Nevada for a penalty of not more than $1,000 for each violation.

Sec. 98. NRS 705.370 is hereby amended to read as follows:

705.370 1. Each railroad company or corporation or its receiver, owning or operating any railroad within this state, shall equip and maintain in each of its passenger trains, cabooses, locomotives, motors or diesel engines used in the propelling of trains or switching of cars an emergency first-aid kit whose contents must be those prescribed by the public [service] *utilities* commission of Nevada. Each passenger train and each caboose must be equipped with at least one stretcher. All of the contents of the emergency first-aid kits, except the stretchers, must be stored on each passenger train, caboose, locomotive, motor or diesel engine, in a clean, sanitary and sterile container and in an accessible place at all times, which places, including the storage places of stretchers, must be plainly designated.

2. The employee of any railroad company or corporation or its receiver, having charge of any passenger train, caboose, locomotive, motor or diesel engine, shall as soon as possible report in writing to the office or officer designated by the company, corporation or receiver for the purpose, whenever any of the emergency first-aid kit has been used or has been found missing. The emergency first-aid kit must only be used to render first medical or surgical aid to injured passengers, employees or other injured persons requiring first aid.

3. Any railroad company or corporation or its receiver, which refuses, neglects or fails to comply with the provisions of this section is liable for a penalty to the public [service] *utilities* commission of Nevada of $25 for each failure to equip a passenger train, caboose, locomotive or motor or diesel engine with the emergency first-aid kit specified in subsection 1.

4. Any person who removes, carries away from its proper place or uses any emergency first-aid kit provided in this section, except for the purpose of administering first aid in the event of injury to any passenger, employee or other person shall be fined not more than $500.

Sec. 99. NRS 705.420 is hereby amended to read as follows:

705.420 Any railroad company or receiver of any railroad company, and any person engaged in the business of common carrier doing business in the State of Nevada, which violates any of the provisions of NRS 705.390 is liable to the public [service] *utilities* commission of Nevada for a penalty of $500 for each violation.

Sec. 100. NRS 705.421 is hereby amended to read as follows:

705.421 The department of transportation:

1. Shall develop, in conjunction with the public [service] *utilities* commission of Nevada, a state plan for rail service; and

2. May carry out the plan, including projects to:

(a) Preserve rail lines;

(b) Rehabilitate rail lines to improve service; and

(c) Restore or improve freight service on rail lines which are potentially subject to abandonment.

Sec. 101. NRS 705.425 is hereby amended to read as follows:

705.425 1. A state program for the physical preservation, in place, of property of lines of railroad, while service on such lines is discontinued, is hereby established to provide an alternative to actual abandonment.

2. The department of transportation shall determine whether a line of railroad is eligible for admission to the program. A rail line may be admitted if:

(a) The [Interstate Commerce Commission] *Surface Transportation Board* has approved the line for abandonment or discontinuance of service or the department of transportation has determined that the line is potentially subject to abandonment;

(b) The owners, operators and users of the line, the department of transportation and all counties and cities affected have agreed to the admission of the line to the program; and

(c) The owners and operators of the line agree to suspend service on the line for 5 years without removing or disposing of any of the trackage or other operating rail properties of the line, as an alternative to abandonment, to permit consideration by interested parties of means of preventing the ultimate abandonment of the line.

3. At the end of 5 years the department of transportation may grant an extension, admitting the line of railroad to the program for not more than 5 additional years, if, in the judgment of the director of the department of transportation:

(a) The line is still potentially subject to abandonment; and

(b) The extension will facilitate the restoration of service on the line.

4. The owner of a line of railroad which has been admitted to the program is entitled to an allowance for taxes on the trackage and other operating rail properties of the line admitted. The department of transportation shall provide to the department of taxation all information requested by the department of taxation to carry out the system of allowances for taxes on the operating property of lines admitted to the program.

Sec. 102. NRS 705.427 is hereby amended to read as follows:

705.427 The department of transportation may contract for the acquisition, by lease or purchase, and operation of trackage and other rail properties of lines of railroad which:

1. The [Interstate Commerce Commission] *Surface Transportation Board* has approved for abandonment or discontinuance of service; or

2. The director of the department of transportation has determined to be potentially subject to abandonment,

for the purpose of maintaining existing freight service or providing for such service in the future, but no such contract may require the expenditure of state money unless previously authorized by the legislature.

Sec. 103. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 104 to 128, inclusive, of this act.

Sec. 104. *"Authority" means the transportation services authority created pursuant to section 105 of this act.*

Sec. 105. *1. The transportation services authority is hereby created.*

2. The authority consists of three members appointed by the governor. After the initial term each member shall serve a term of 4 years.

3. The governor shall appoint to the authority members who have at least 2 years of experience in one or more of the following fields:

(a) Accounting.

(b) Business administration.

(c) Economics.

(d) Administrative law.

(e) Transportation.

(f) Professional engineering.

At least one but not more than two of the members appointed must be residents of Clark County.

4. Not more than two of the members may be:

(a) Members of the same political party.

(b) From the same field of experience.

5. All of the members must be persons who are independent of the industries regulated by the authority. No elected officer of this state or any political subdivision is eligible for appointment.

6. The members of the authority shall give their entire time to the business of the authority and shall not pursue any other business or vocation or hold any other office of profit.

7. Each member of the authority serves at the pleasure of the governor.

Sec. 106. *1. The governor shall designate one of the members of the authority to be chairman. The chairman is the executive officer of the authority and serves at the pleasure of the governor.*

2. The members of the authority are in the unclassified service of the state.

Sec. 107. *The authority may sue and be sued in the name of the transportation services authority.*

Sec. 108. *1. A majority of the members of the authority may exercise all of the power and conduct the business of the authority relating to common or contract carrier, taxicabs, and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.*

2. Except as otherwise provided in this subsection, public hearings must be conducted by one or more members of the authority. An administrative proceeding conducted pursuant to subsection 2 of NRS 706.771 may be conducted by a hearing officer designated by the chairman of the authority.

Sec. 109. *1. Any common or contract carrier subject to the jurisdiction of the authority that elects to maintain its books and records outside the State of Nevada shall, in addition to any other assessment and fees provided for by law, be assessed by the authority for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of members of the authority and staff, for investigations, inspections and audits required to be performed outside this state.*

2. The assessments provided for by this section must be determined by the authority upon the completion of each such investigation, inspection, audit or appearance and are due within 30 days after receipt by the affected common or contract carrier of the notice of assessment.

3. The records of the authority relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected common or contract carrier at any time within the 30-day period.

Sec. 110. *1. The transportation services authority regulatory fund is hereby created as a special revenue fund. All money collected by the authority pursuant to law must be deposited in the state treasury for credit to the fund.*

2. Money in the fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the authority.

(b) Participating in all proceedings relevant to the jurisdiction of the authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the authority.

3. All claims against the fund must be paid as other claims against the state are paid.

4. The authority must furnish upon request a statement showing the balance remaining in the fund as of the close of the preceding fiscal year.

Sec. 111. *Employees of the authority who are peace officers may carry firearms in the performance of their duties.*

Sec. 112. *Except as otherwise provided in section 116 of this act, the authority shall make and publish biennial reports showing its proceedings. All biennial reports, records, proceedings, papers and files of the authority must be open at all reasonable times to the public.*

Sec. 113. *1. Each fully regulated carrier and common or contract carrier regulated by the authority shall:*

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the authority by regulation and render them to the authority upon its request.

(b) Furnish an annual report to the authority in the form and detail that it prescribes by regulation.

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the authority, prepare the reports required by this section for a year other than a calendar year that the authority specifies and submit them not later than a date specified by the authority in each year.

4. If the authority finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

Sec. 114. *Every annual report, record or statement required by law to be made to the authority must be submitted under oath by the proper officer, agent or person responsible for submitting the report, record or statement.*

Sec. 115. *1. Except as otherwise provided in subsection 2, any member of the authority or any officer or employee of the authority who is designated by the authority may examine during the regular business hours the books, accounts, records, minutes, papers and property of any person who is regulated by the authority and who does business in this state,*

whether or not the book, account, record, minutes, paper or property is located within this state.

2. No personnel records of an employee may be examined pursuant to subsection 1 unless the records contain information relating to a matter of public safety or the authority determines that the examination is required to protect the interests of the public.

3. As used in this section, "personnel records" does not include:

(a) The name of the employee who is the subject of the record;

(b) The gross compensation and perquisites of the employee;

(c) Any record of the business expenses of the employee;

(d) The title or any description of the position held by the employee;

(e) The qualifications required for the position held by the employee;

(f) The business address of the employee;

(g) The telephone number of the employee at his place of business;

(h) The work schedule of the employee;

(i) The date on which the employee began his employment; and

(j) If applicable, the date on which the employment of the employee was terminated.

Sec. 116. *1. Any books, accounts, records, minutes, papers and property of any carrier that are subject to examination pursuant to sections 112 and 115 of this act, and are made available to the authority, any officer or employee of the authority, or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the authority first determines that the disclosure is justified.*

2. The authority shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:

(a) Granting such protective orders as it deems necessary; and

(b) Holding closed hearings to receive or examine such information.

3. If the authority closes a hearing to receive or examine such information, it shall:

(a) Restrict access to the records and transcripts of such hearings without the prior approval of the authority or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and

(b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the authority.

4. The authority shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the authority determines the information may be disclosed, the information must become a part of the records available to the public. Information that the authority determines may not be disclosed must be kept under seal.

Sec. 117. *1. The authority may collect fees for the filing of any official document required by this chapter or by a regulation of the authority.*

2. Filing fees may not exceed:

(a) For applications, $200.

(b) For petitions seeking affirmative relief, $200.

(c) For each tariff page that requires public notice and is not attached to an application, $10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.

(d) For all other documents that require public notice, $10.

3. If an application or other document is rejected by the authority because it is inadequate or inappropriate, the filing fee must be returned.

4. The authority may not charge any fee for filing a complaint.

Sec. 118. *1. The attorney general shall:*

(a) Act as counsel and attorney for the authority in all actions, proceedings and hearings.

(b) Prosecute in the name of the transportation services authority all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the authority in the performance of its duties and the enforcement of this chapter.

2. The attorney general or any district attorney may prosecute any violation of this chapter or chapter 712 of NRS for which a criminal penalty is provided.

Sec. 119. *The authority may, in carrying out its duties:*

1. Cooperate with the Federal Government and its departments and agencies.

2. Confer with the regulatory agencies of other states on matters of mutual concern and benefit to persons served by motor carriers of this state.

Sec. 120. *1. When a complaint is made against any fully regulated carrier by any person, that any of the rates, tolls, charges or schedules, or any joint rate or rates are in any respect unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate, the authority shall investigate the complaint. After receiving the complaint, the authority shall give a copy of it to the carrier or tow car operator against whom the complaint is made. Within a reasonable time thereafter, the carrier or tow car operator shall provide the authority with its written response to the complaint according to the regulations of the authority.*

2. If the authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in section 120 of this act.

Sec. 121. *1. When, in any matter pending before the authority, a hearing is required by law, or is normally required by the authority, the authority shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The authority shall by regulation specify:*

(a) The manner of giving notice; and

(b) Where not specified by law, the persons entitled to notice in each type of proceeding.

2. Unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the authority a request that the hearing be held, the authority may dispense with a hearing and act upon the matter pending.

3. If a request for a hearing is filed, the authority shall give at least 10 days' notice of the hearing.

Sec. 122. *1. A complete record must be kept of all hearings before the authority, and all testimony must be taken down by the stenographer appointed by the authority, or, under the direction of any competent person appointed by the authority, reported by sound recording equipment in the manner authorized for reporting testimony in district courts. The testimony reported by a stenographer must be transcribed and filed with the record in the matter. The authority may by regulation provide for the transcription or safekeeping of sound recordings. The costs of recording and transcribing testimony at any hearing, except those hearings ordered pursuant to section 120 of this act must be paid by the applicant. If a complaint is made pursuant to section 120 of this act by a customer or by a political subdivision of this state or a municipal organization, the complainant is not liable for any costs. Otherwise, if there are several applicants or parties to any hearing, the authority may apportion the costs among them in its discretion.*

2. Whenever any petition is served upon the authority, before the action is reached for trial, the authority shall file a certified copy of all proceedings and testimony taken with the clerk of the court in which the action is pending.

3. A copy of the proceedings and testimony must be furnished to any party, on payment of a reasonable amount, to be fixed by the authority, and the amount must be the same for all parties.

4. The provisions of this section do not prohibit the authority from restricting access to the records and transcripts of a hearing pursuant to subsection 2 of section 116 of this act.

Sec. 123. *1. Any party is entitled to an order by the authority for the appearance of witnesses or the production of books, papers and documents containing material testimony.*

2. Witnesses appearing upon the order of the authority are entitled to the same fees and mileage as witnesses in civil actions in the courts of this state, and the fees and mileage must be paid out of the state treasury in the same manner as other claims against the state are paid. No fees or mileage may be allowed unless the chairman of the authority certifies the correctness of the claim.

Sec. 124. *The authority may require, by order to be served on any person regulated by the authority in the same manner as a subpoena in a civil action, the production at a time and place designated by the authority of any books, accounts, papers or records kept by the person in any office or place outside this state, or verified copies in lieu thereof if the authority so directs, so that an examination may be made by the authority or under its direction, or for use as testimony.*

Sec. 125. *Any person who is aggrieved by any action or inaction of the authority is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS. The authority may adopt such regulations as may be necessary to provide for a judicial review pursuant to this section.*

Sec. 126. *1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.*

2. The authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, and sections 104 to 128, inclusive, of this act for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes his interest in the certificate, permit or license by so notifying the authority in writing, the authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 127. (Deleted by amendment.)

Sec. 128. *1. A vehicle used as a taxicab, limousine or other passenger vehicle in passenger service must be impounded by the authority if a certificate of public convenience and necessity has not been issued authorizing its operation. A hearing must be held by the authority no later than the conclusion of the second normal business day after impoundment,*

weekends and holidays excluded. As soon as practicable after impoundment, the authority shall notify the registered owner of the vehicle:

(a) That the registered owner of the vehicle must post a bond in the amount of $20,000 to ensure his presence at all proceedings held pursuant to this section;

(b) Of the time set for the hearing; and

(c) Of his right to be represented by counsel during all phases of the proceedings.

2. The authority shall hold the vehicle until the registered owner of the vehicle appears and:

(a) Proves that he is the registered owner of the vehicle;

(b) Proves that he holds a valid certificate of public convenience and necessity;

(c) Proves that the vehicle meets all required standards of the authority; and

(d) Posts a bond in the amount of $20,000 with the administrator.

The authority shall return the vehicle to its registered owner when the owner meets the requirements of this subsection and pays all costs of impoundment.

3. If the registered owner is unable to meet the requirements of paragraphs (b) or (c) of subsection 2, the authority may assess an administrative fine against the registered owner for each such violation in the amount of $5,000. The maximum amount of the administrative fine that may be assessed against a registered owner for a single impoundment of his vehicle pursuant to this section is $10,000. The authority shall return the vehicle after any administrative fine imposed pursuant to this subsection and all costs of impoundment have been paid.

Sec. 129. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.013 to 706.791, inclusive, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, *and section 104 of this act,* have the meanings ascribed to them in those sections.

Sec. 130. NRS 706.031 is hereby amended to read as follows:

706.031 "Commission" means the public [service] *utilities* commission of Nevada.

Sec. 131. NRS 706.072 is hereby amended to read as follows:

706.072 "Fully regulated carrier" means a common carrier or contract carrier of passengers or household goods who is required to obtain from the [commission] *authority* a certificate of public convenience and necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the [commission.] *authority.*

Sec. 132. NRS 706.085 is hereby amended to read as follows:

706.085 "Household goods" means any of the following:

1. Personal effects and property used or to be used in a dwelling which are part of the equipment or supply of the dwelling and such other similar property as the [commission] *authority* may provide by regulation. The term does not include property moving from a factory or store, except property that the householder has purchased with the intent to use in his dwelling and that is transported at the request of, and the transportation charges paid to the carrier by, the householder.

2. Furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments which are part of the stock, equipment or supply of the stores, offices, museums, institutions, hospitals or other establishments and such other similar property as the [commission] *authority* may provide by regulation. The term does not include the stock in trade of any establishment whether cosigner or consignee, other than used furniture and used fixtures, when transported as incidental to moving the establishment, or a portion of the establishment, from one location to another.

3. Articles, including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods and such other similar articles as the [commission] *authority* may provide by regulation. This subsection does not include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

Sec. 133. NRS 706.151 is hereby amended to read as follows:

706.151 1. It is hereby declared to be the purpose and policy of the legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, to confer upon the [commission] *authority* the power and to make it the duty of the [commission] *authority* to regulate fully regulated carriers and brokers of regulated services to the extent provided in this chapter and to confer upon the department the power to license all motor carriers and to make it the duty of the department to enforce the provisions of this chapter and the regulations adopted by the [commission] *authority* pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for intrastate transportation by fully regulated carriers without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this state.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

Sec. 134. NRS 706.153 is hereby amended to read as follows:

706.153 The provisions of NRS 706.151 to 706.163, inclusive, 706.168, 706.311 to 706.436, inclusive, 706.471, 706.473, 706.475, 706.6411 to 706.749, inclusive, and 706.881 to 706.885, inclusive, *and sections 104 to 128, inclusive, of this act,* do not apply to an operator of a tow car.

Sec. 135. NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

(a) Affected with a public interest; and

(b) Subject to NRS 706.011 to 706.791, inclusive [.] , *and sections 104 to 128, inclusive, of this act.*

2. Fully regulated carriers are subject to the regulation of rates, charges and services by the [commission.] *authority.*

3. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The [commission] *authority* shall not prohibit or restrict such a purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

Sec. 136. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* relating to brokers do not apply to any person whom the [commission] *authority* determines is:

1. A motor club which holds a valid certificate of authority issued by the commissioner of insurance; or

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes.

Sec. 137. NRS 706.166 is hereby amended to read as follows:

706.166 The [commission] *authority* shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate every fully regulated carrier and broker of regulated services in this state in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

2. Cooperate with the department in its issuance of permits by performing safety and operational investigations of all persons applying for a permit from the department to transport radioactive waste, and reporting its findings to the department.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the [commission] *authority* or the department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers relating to:

(a) Fares;

(b) Rates;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) Charges, including charges between carriers and compensation paid or received for the use of facilities and equipment.

These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

Sec. 138. NRS 706.168 is hereby amended to read as follows:

706.168 The authority of the [commission] *transportation services authority* to supervise and regulate motor carriers and brokers respectively, to the extent provided in this chapter, must be exercised separately. A motor carrier is responsible only for his own acts and those of his employees or agents who are not brokers. A broker is responsible only for his own acts and those of his employees or agents who are not motor carriers.

Sec. 139. NRS 706.171 is hereby amended to read as follows:

706.171 1. The [commission] *authority* and the department may:

(a) Make necessary and reasonable regulations governing the administration and enforcement of the provisions of this chapter for which they are each responsible.

(b) Adopt by reference any appropriate rule or regulation, as it exists at the time of adoption, issued by the United States Department of Transportation, the [Interstate Commerce Commission,] *Surface Transportation Board,* any other agency of the Federal Government, or the National Association of Regulatory Utility Commissioners.

(c) Require such reports and the maintenance of such records as they determine to be necessary for the administration and enforcement of this chapter.

(d) Except as otherwise provided in this section, examine, at any time during the business hours of the day, the books, papers and records of any fully regulated carrier, and of any other common, contract or private motor carrier doing business in this state to the extent necessary for their respective duties. The [commission] *authority* and the department may examine in other states or require by subpoena the production inside this state of such books, papers and records as are not maintained in this state.

(e) Temporarily waive any requirement for a certificate or permit when an emergency exists as defined in NRS 706.561.

2. No personnel records of an employee of a fully regulated carrier, or of any other common, contract or private motor carrier may be examined pursuant to paragraph (d) of subsection 1 unless the records contain information relating to a matter of public safety or the [commission] *authority* and the department determine that the examination is required to protect the interests of the public.

3. The department may adopt regulations to ensure the payment of any fee due or authorized under the provisions of this chapter.

4. As used in this section, "personnel records" does not include:

(a) The name of the employee who is the subject of the record;

(b) The gross compensation and perquisites of the employee;

(c) Any record of the business expenses of the employee;

(d) The title or any description of the position held by the employee;

(e) The qualifications required for the position held by the employee;

(f) The business address of the employee;

(g) The telephone number of the employee at his place of business;

(h) The work schedule of the employee;

(i) The date on which the employee began his employment; and

(j) If applicable, the date on which the employment of the employee was terminated.

Sec. 140. NRS 706.173 is hereby amended to read as follows:

706.173 *1.* The [commission or the department] *authority* may, by regulation applicable to [all motor vehicles transporting hazardous materials and to] common, contract and private motor carriers of passengers and property, adopt standards for [:

1. Safety] *safety* for drivers and vehicles .[; and]

2. The *department may, by regulation applicable to all motor vehicles transporting hazardous materials, adopt standards for the* transportation of hazardous materials and hazardous waste as defined in NRS 459.430.

Sec. 141. NRS 706.174 is hereby amended to read as follows:

706.174 1. The [commission] *authority* may adopt regulations specifying the procedures to be used to administer and provide investigative support to the department in assisting the department in the issuance of permits to transport radioactive waste. Those regulations may include provisions:

(a) Delegating to the staff of the [commission] *authority* the administrative function of providing verifications or findings of investigations concerning safety, financial obligations and insurance to the department, but the [commission] *authority* retains the authority to act upon any disputes regarding actions taken by the staff of the [commission.] *authority.*

(b) Requiring the [commission] *authority* to provide a copy of all verifications or investigative findings to the affected carrier.

(c) Specifying the procedures to be used in acting upon any disputes that arise as a consequence of the administration and enforcement of this section by the [commission.] *authority.*

2. The procedures adopted by the [commission] *authority* must not require the [commission] *authority* to issue any public notice regarding the investigations conducted for the purpose of assisting the department or of the verification or investigative findings the [commission] *authority* provides to the department beyond the notice to the affected carriers specified in paragraph (b) of subsection 1.

Sec. 142. NRS 706.176 is hereby amended to read as follows:

706.176 The [commission may employ one chief inspector and such other inspectors and personnel and incur such other expenses as may be necessary for the efficient administration of this chapter. All such personnel shall perform such duties as may be assigned to them by the commission.] *authority may:*

1. Appoint a deputy who serves in the unclassified service of the state.

2. Appoint a secretary who shall perform such administrative and other duties as are prescribed by the authority.

3. Employ such other personnel as may be necessary.

Sec. 143. NRS 706.201 is hereby amended to read as follows:

706.201 All costs of administration of this chapter [shall] *must* be paid from the state highway fund on claims presented by the [commission] *authority* or department, approved by the state board of examiners.

Sec. 144. NRS 706.231 is hereby amended to read as follows:

706.231 Sheriffs and all other peace officers and traffic officers of this state are charged with the duty, without further compensation, of assisting in

the enforcement of this chapter. They shall make arrests for this purpose when requested by an authorized agent of the department, [commission] *authority* or other competent authority.

Sec. 145. NRS 706.246 is hereby amended to read as follows:

706.246 Except as otherwise provided in NRS 706.235:

1. A common or contract motor carrier shall not permit or require a driver to drive or tow any vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle, and a driver shall not drive or tow any vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle. If, while any vehicle is being operated on a highway, it is discovered to be in such an unsafe condition, it may be continued in operation, except as further limited by subsection 2, only to the nearest place where repairs can safely be effected, and even that operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

2. A common or contract motor carrier or private motor carrier shall not permit or require a driver to drive or tow, and a driver shall not drive or tow, any vehicle which:

(a) By reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown; and

(b) Has been declared "out of service" by an authorized employee of the [commission] *authority* or the department.

When the repairs have been made, the carrier shall so certify to the [commission] *authority* or the department, whichever agency declared the vehicle "out of service," as required by the [commission] *authority* or the department.

Sec. 146. NRS 706.251 is hereby amended to read as follows:

706.251 1. Every person operating a vehicle used by any motor carrier under the jurisdiction of the [commission] *authority* shall forthwith report each accident occurring on the public highway, wherein the vehicle may have injured the person or property of some person other than the person or property carried by the vehicle, to the sheriff or other peace officer of the county where the accident occurred. If the accident immediately or proximately causes death, the person in charge of the vehicle, or any officer investigating the accident, shall furnish to the [commission] *authority* such detailed report thereof as required by the [commission.] *authority.*

2. All accident reports required in this section must be filed in the office of the [commission] *authority* and there preserved. An accident report made as required by this chapter, or any report of the [commission] *authority* made pursuant to any accident investigation made by it, is not open to public inspection and must not be disclosed to any person, except upon order of the

[commission.] *authority.* The reports must not be admitted as evidence or used for any purpose in any action for damages growing out of any matter mentioned in the accident report or report of any such investigation.

Sec. 147. NRS 706.256 is hereby amended to read as follows:

706.256 The [commission] *authority* may, in the interest of safety or service, after hearing:

1. Determine and order repairs of facilities of common and contract motor carriers; and

2. Order the use of safety appliances by such carriers in the interest of the public and employees.

Sec. 148. NRS 706.266 is hereby amended to read as follows:

706.266 It is unlawful for any common, contract or private motor carrier to operate as a motor carrier of intrastate commerce within this state without having furnished the [commission] *authority* the following:

1. Where a person does not hold a certificate of public convenience and necessity or a permit to operate as a common or contract motor carrier in the State of Nevada, an affidavit certifying that the person intends to operate as a private carrier.

2. Such other information as the [commission] *authority* may request.

Sec. 149. NRS 706.281 is hereby amended to read as follows:

706.281 1. In addition to any identifying device provided for in this chapter, each motor vehicle within the provisions of NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* must have the name of the person or operator operating the vehicle prominently and conspicuously displayed on both sides of the vehicle in such location, size and style as may be specified by the [commission.] *authority.* The display shall not be deemed advertising for the purposes of NRS 706.285 unless additional information about the operator is included.

2. This section does not apply to motor vehicles:

(a) Weighing 10,000 pounds or less operated by private carriers and not operated in combination with any other vehicle.

(b) Operated by an employer for the transportation of his employees, whether or not the employees pay for the transportation.

Sec. 150. NRS 706.285 is hereby amended to read as follows:

706.285 All advertising by a fully regulated carrier of intrastate commerce must include the number of the certificate of public convenience and necessity or contract carrier's permit issued to him by the [commission.] *authority.*

Sec. 151. NRS 706.291 is hereby amended to read as follows:

706.291 1. The [commission] *authority* shall require every fully regulated carrier and every operator of a tow car, within such time and in such amounts as the [commission] *authority* may designate, to file with the [commission] *authority* in a form required and approved by the

[commission] *authority* a liability insurance policy, or a certificate of insurance in lieu thereof, or a bond of a surety company, or other surety, in such reasonable sum as the [commission] *authority* may deem necessary to protect adequately the interests of the public.

2. The department shall require every other common and contract motor carrier and every private carrier, within such time and in such amounts as the department may designate, to file with the department in a form required and approved by the department a liability insurance policy, or a certificate of insurance in lieu thereof, a bond of a surety company, or other surety, in such reasonable sum as the department may deem necessary to protect adequately the interests of the public.

3. The liability insurance policy or certificate, policy or bond of a surety company or other surety must bind the obligors thereunder to pay the compensation for injuries to persons or for loss or damage to property resulting from the negligent operation of the carrier.

4. The [commission] *authority* and the department may jointly prescribe by regulation the respective amounts and forms required by subsections 1 and 2.

Sec. 152. NRS 706.296 is hereby amended to read as follows:

706.296 Every common and contract motor carrier who engages in transportation intrastate and the collection of the purchase price of goods sold by the shipper to the consignee shall provide a bond, to be filed with the [commission,] *authority,* for the benefit of the shipper in an amount which the [commission] *authority* deems reasonably sufficient as an aggregate but not to exceed $1,000, to insure the shipper against any loss of the moneys so collected by the carrier through misappropriation, negligence or other defalcations.

Sec. 153. NRS 706.303 is hereby amended to read as follows:

706.303 The [commission] *authority* shall adopt regulations requiring all operators of horse-drawn vehicles subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each such vehicle. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one accident, $250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one accident, $500,000; and

(c) For injury to or destruction of property in any one accident, $50,000; or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one accident, $500,000.

Sec. 154. (Deleted by amendment.)

Sec. 155. NRS 706.321 is hereby amended to read as follows:

706.321 1. Every common or contract motor carrier shall file with the [commission:] *authority:*

(a) Within a time to be fixed by the [commission,] *authority,* schedules and tariffs which must be open to public inspection, showing all rates, fares and charges which the carrier has established and which are in force at the time for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations that in any manner affect the rates or fares charged or to be charged for any service.

2. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the [commission,] *authority,* and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The [commission,] *authority,* upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the [commission] *authority* 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the [commission.] *authority.*

3. The [commission] *authority* may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services, and, after hearing, by order, make such changes as may be just and reasonable.

4. The [commission] *authority* may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service.

5. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the [commission] *authority* are in force, and are prima facie lawful, from the date of the order until changed or modified by the [commission,] *authority,* or pursuant to [NRS 703.373 to 703.376, inclusive.] *sections 123, 124 and 125, of this act.*

6. All regulations, practices and service prescribed by the [commission] *authority* must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, [pursuant to the provisions of NRS 703.373 to 703.376, inclusive,] or until changed or modified by the [commission] *authority* itself upon satisfactory showing made.

Sec. 156. NRS 706.323 is hereby amended to read as follows:

706.323 1. Except as provided in subsection 2, the [commission] *authority* may not investigate, suspend, revise or revoke any rate proposed

by a common motor carrier or contract motor carrier because the rate is too high or too low and therefore unreasonable if:

(a) The motor carrier notifies the [commission] *authority* that it wishes to have the rate reviewed by the [commission] *authority* pursuant to this subsection; and

(b) The rate resulting from all increases or decreases within 1 year is not more than 10 percent above or 10 percent below the rate in effect 1 year before the effective date of the proposed rate.

2. This section does not limit the [commission's] authority *of the transportation services authority* to investigate, suspend, revise or revoke a proposed rate if the rate would violate the provisions of NRS 706.151.

Sec. 157. NRS 706.326 is hereby amended to read as follows:

706.326 1. Whenever there is filed with the [commission] *authority* any schedule or tariff stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule or tariff resulting in a discontinuance, modification or restriction of service, the [commission] *authority* may enter upon an investigation or, upon reasonable notice, enter upon a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending the investigation or hearing and the decision thereon, the [commission,] *authority,* upon delivering to the common or contract motor carrier affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule or tariff and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the [commission] *authority* may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

4. The [commission] *authority* shall determine whether a hearing [shall] *must* be held to consider the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge. In making that determination , the [commission] *authority* shall consider all timely written protests, any presentation the staff of the [commission] *authority* may desire

to present, the application and any other matters deemed relevant by the [commission.] *authority.*

Sec. 158. NRS 706.331 is hereby amended to read as follows:

706.331 1. If, after due investigation and hearing, any authorized rates, tolls, fares, charges, schedules, tariffs, joint rates or any regulation, measurement, practice, act or service complained of is found to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter, or if it is found that the service is inadequate, or that any reasonable service cannot be obtained, the [commission] *authority* may substitute therefor such other rates, tolls, fares, charges, tariffs, schedules or regulations, measurements, practices, service or acts and make an order relating thereto as may be just and reasonable.

2. When complaint is made of more than one matter, the [commission] *authority* may order separate hearings upon the several matters complained of at such times and places as it may prescribe.

3. No complaint may at any time be dismissed because of the absence of direct damage to the complainant.

4. The [commission] *authority* may at any time, upon its own motion, investigate any of the matters listed in subsection 1, and, after a full hearing as above provided, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

Sec. 159. NRS 706.341 is hereby amended to read as follows:

706.341 [No] *A* common motor carrier authorized to operate by NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* shall *not* discontinue any service established under the provisions of NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* and all other laws relating thereto and made applicable thereto by NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* without an order of the [commission] *authority* granted only after public notice or hearing in the event of protest.

Sec. 160. NRS 706.346 is hereby amended to read as follows:

706.346 1. A copy, or so much of the schedule or tariff as the [commission] *authority* determines necessary for the use of the public, [shall] *must* be printed in plain type and posted in every office of a common motor carrier where payments are made by customers or users, open to the public, in such form and place as to be readily accessible to the public and conveniently inspected.

2. When a schedule or tariff of joint rates or charges is or may be in force between two or more of such carriers or between any such carrier and a public utility, such schedule or tariff shall be printed and posted in like manner.

Sec. 161. NRS 706.351 is hereby amended to read as follows:

706.351 1. It is unlawful for:

(a) A fully regulated carrier to furnish any pass, frank, free or reduced rates for transportation to any state, city, district, county or municipal officer of this state or to any person other than those specifically enumerated in this section.

(b) Any person other than those specifically enumerated in this section to receive any pass, frank, free or reduced rates for transportation.

2. This section does not prevent the carriage, storage or hauling free or at reduced rates of passengers or property for charitable organizations or purposes for the United States, the State of Nevada or any political subdivision thereof.

3. This chapter does not prohibit a fully regulated common carrier from giving free or reduced rates for transportation of persons to:

(a) Its own officers, commission agents or employees, or members of any profession licensed under Title 54 of NRS retained by it, and members of their families.

(b) Inmates of hospitals or charitable institutions and persons over 60 years of age.

(c) Persons who are physically handicapped or mentally handicapped and who present a written statement from a physician to that effect.

(d) Persons injured in accidents or wrecks and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster.

(f) Attendants of livestock or other property requiring the care of an attendant, who must be given return passage to the place of shipment, if there is no discrimination among shippers of a similar class.

(g) Officers, agents, employees or members of any profession licensed under Title 54 of NRS, together with members of their families, who are employed by or affiliated with other common carriers, if there is an interchange of free or reduced rates for transportation.

(h) Indigent, destitute or homeless persons when under the care or responsibility of charitable societies, institutions or hospitals, together with the necessary agents employed in such transportation.

(i) Students of institutions of learning.

(j) Groups of persons participating in a tour for a purpose other than transportation.

4. This section does not prohibit common motor carriers from giving free or reduced rates for the transportation of property of:

(a) Their officers, commission agents or employees, or members of any profession licensed under Title 54 of NRS retained by them, or pensioned or disabled former employees, together with that of their dependents.

(b) Witnesses attending any legal investigations in which such carriers are interested.

(c) Persons providing relief in cases of common disaster.

(d) Charitable organizations providing food and items for personal hygiene to needy persons or to other charitable organizations within this state.

5. This section does not prohibit the [commission] *authority* from establishing reduced rates, fares or charges for specified routes or schedules of any common motor carrier providing transit service if the reduced rates, fares or charges are determined by the [commission] *authority* to be in the public interest.

6. Only fully regulated common carriers may provide free or reduced rates for the transportation of passengers or household goods, pursuant to the provisions of this section.

7. As used in this section, "employees" includes:

(a) Furloughed, pensioned and superannuated employees.

(b) Persons who have become disabled or infirm in the service of such carriers.

(c) Persons who are traveling to enter the service of such a carrier.

Sec. 162. NRS 706.371 is hereby amended to read as follows:

706.371 The [commission] *authority* may regulate and fix the maximum number of contracts and the minimum carrying charges of all intrastate contract motor carriers, and conduct hearings, make and enter necessary orders and enforce the same with respect thereto in the same manner and form as is now or may hereafter be provided by law for the regulation of the rates, charges and services of common motor carriers.

Sec. 163. NRS 706.386 is hereby amended to read as follows:

706.386 It is unlawful, except as provided in NRS 373.117 and 706.745, for any fully regulated common motor carrier to operate as a carrier of intrastate commerce within this state without first obtaining a certificate of public convenience and necessity from the [commission.] *authority.*

Sec. 164. NRS 706.391 is hereby amended to read as follows:

706.391 1. Upon the filing of an application for a certificate of public convenience and necessity to operate as a motor carrier, the [commission] *authority* shall fix a time and place for hearing thereon.

2. The [commission] *authority* shall issue such a certificate if it finds that:

(a) The applicant is fit, willing and able to perform the services of a common motor carrier;

(b) The proposed operation will be consistent with the legislative policies set forth in NRS 706.151;

(c) The granting of the certificate will not unreasonably and adversely affect other carriers operating in the territory for which the certificate is sought; and

(d) The proposed service will benefit the traveling and shipping public and the motor carrier business in this state.

3. The [commission] *authority* shall not find that the potential creation of competition in a territory which may be caused by the granting of a certificate, by itself, will unreasonably and adversely affect other carriers operating in the territory for the purposes of paragraph (c) of subsection 2.

4. An applicant for such a certificate has the burden of proving to the [commission] *authority* that the proposed operation will meet the requirements of subsection 2.

5. The [commission] *authority* may issue a certificate of public convenience and necessity to operate as a common motor carrier, or issue it for:

(a) The exercise of the privilege sought.

(b) The partial exercise of the privilege sought.

6. The [commission] *authority* may attach to the certificate such terms and conditions as, in its judgment, the public interest may require.

7. The [commission] *authority* may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate.

Sec. 165. NRS 706.396 is hereby amended to read as follows:

706.396 Any person who, after hearing, has been denied a certificate of public convenience and necessity to operate as a carrier must not be permitted again to file a similar application with the [commission] *authority* covering the same type of service and over the same route or routes or in the same territory for which the certificate of public convenience and necessity was denied except after the expiration of 180 days after the date the certificate of public convenience and necessity was denied.

Sec. 166. NRS 706.398 is hereby amended to read as follows:

706.398 The [commission:] *authority:*

1. Shall revoke or suspend, pursuant to the provisions of this chapter, the certificate of public convenience and necessity of a common motor carrier which has failed to:

(a) File the annual report required by [NRS 703.191] *section 113 of this act* within 60 days after the report is due; or

(b) Operate as a carrier of intrastate commerce in this state under the terms and conditions of its certificate,

unless the carrier has obtained the prior permission of the [commission.] *authority.*

2. May revoke or suspend, pursuant to the provisions of [NRS 703.377,] *this chapter,* the certificate of public convenience and necessity of a common motor carrier which has failed to comply with any provision of this chapter or any regulation of the [commission] *authority* adopted pursuant thereto.

Sec. 167. NRS 706.411 is hereby amended to read as follows:

706.411 Every order refusing or granting any certificates of public convenience and necessity, or granting or refusing permission to discontinue, modify or restrict service is prima facie lawful from the date of the order until changed or modified by the order of the [commission or] *authority* pursuant to [NRS 703.373 to 703.376, inclusive.] *the provisions of this chapter.*

Sec. 168. NRS 706.426 is hereby amended to read as follows:

706.426 An application for a permit for a new operation as a contract motor carrier shall be:

1. Made to the [commission] *authority* in writing.

2. In such form and be accompanied by such information as the [commission] *authority* may require.

Sec. 169. NRS 706.431 is hereby amended to read as follows:

706.431 1. A permit may be issued to any applicant therefor, authorizing in whole or in part the operation covered by the application, if it appears from the application or from any hearing held thereon that:

(a) The applicant is fit, willing and able properly to perform the service of a contract motor carrier and to conform to all provisions of NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* and the regulations adopted thereunder; and

(b) The proposed operation will be consistent with the public interest and will not operate to defeat the legislative policy set forth in NRS 706.151.

2. An application must be denied if the provisions of subsection 1 are not met.

3. The [commission] *authority* shall revoke or suspend pursuant to the provisions of *this* chapter [703 of NRS] the permit of a contract motor carrier who has failed to file the annual report required in [NRS 703.191] *section 113 of this act* within 60 days after the report is due.

4. The [commission] *authority* shall adopt regulations providing for a procedure by which any contract entered into by a contract motor carrier after he has been issued a permit pursuant to this section may be approved by the [commission] *authority* without giving notice required by statute or by a regulation of the [commission.] *authority.*

Sec. 170. NRS 706.436 is hereby amended to read as follows:

706.436 Any person who has been denied a permit to act as a contract motor carrier after hearing [shall not be permitted again to] *may not* file a similar application with the [commission] *authority* covering the same type of service and over the same route or routes or in the same territory for which the permit was denied except after the expiration of 180 days after the date the permit was denied.

Sec. 171. NRS 706.442 is hereby amended to read as follows:

706.442 Any person engaging in the intrastate transportation or storage of household goods shall comply with the following requirements:

1. A person requesting service must be provided with a written, binding estimate of the cost of providing the requested service at least 1 business day before the date on which the service is to be provided, unless the request for service is not made in time to meet the requirement.

2. The charges assessed for the service rendered may not exceed the amount in the written estimate, unless the customer requested services in addition to those included in the written estimate and agreed to pay additional charges.

3. If the person for whom service was provided pays any amount consistent with the provisions of subsection 2, the provider of service shall release immediately any household goods that were transported or stored to that person.

4. If a person requesting service alleges that any household goods were damaged or lost, the person that provided the service shall:

(a) Attempt to resolve the dispute; and

(b) Identify the carrier of his insurance and explain the procedures to file a claim.

5. The provider of service shall advise all persons for whom service is to be performed of their right to file a complaint with the [commission] *authority* and provide the address and telephone number of the nearest business office of the [commission.] *authority.*

6. Any other terms and conditions which the [commission] *authority* may by regulation prescribe to protect the public.

Sec. 172. NRS 706.443 is hereby amended to read as follows:

706.443 1. The provisions of NRS 706.442 apply whether or not the person providing the service has received authority to operate from the [commission.] *authority.*

2. The [commission] *authority* shall enforce the provisions of NRS 706.442 and consider complaints regarding violations of the provisions of that section pursuant to the provisions of [NRS 703.290, 703.300, 703.310 and 703.373 to 703.376, inclusive.] *this chapter.* In addition to any other remedies, the [commission] *authority* may order the release of any household goods that are being held by the provider of service subject to the terms and conditions that the [commission] *authority* determines to be appropriate and may order the refund of overcharges.

3. The [commission] *authority* may use the remedies provided in NRS [703.195,] 706.457, 706.461, 706.756, 706.761, 706.771 and 706.779 and any other remedy available under other law.

4. The [commission] *authority* shall adopt regulations regarding the administration and enforcement of this section and NRS 706.442.

Sec. 173. NRS 706.446 is hereby amended to read as follows:

706.446 1. Any person who was engaged in the transportation of vehicles by the use of a tow car with an unladen weight of less than 9,000

pounds, on or before January 1, 1971, and who held himself out for hire for such towing, must be granted a certificate of public convenience and necessity if an application therefor:

(a) Is made within 90 days after July 1, 1971;

(b) Is accompanied by a filing fee of $25; and

(c) Contains satisfactory evidence of a lawful nature and scope of the applicant's operation existing on or before January 1, 1971.

2. Before issuing any certificate of public convenience and necessity for the transportation of vehicles by tow car, the [commission] *authority* shall set the rate levels and storage charges under which such operation may be conducted, but the [commission] *authority* is not precluded from establishing rate areas.

3. When issued, a certificate of public convenience and necessity must authorize the recipient to operate within the territory which the applicant substantiates by documentation between January 1, 1968, and January 1, 1971.

4. Any person who on July 1, 1971, holds a valid certificate of public convenience and necessity issued by the commission for the operation of a tow car with an unladen weight of 9,000 pounds or more must be granted the authority to operate a tow car with an unladen weight of less than 9,000 pounds within the territory substantiated pursuant to subsection 3, but in no event less than the territory set forth in such certificate of public convenience and necessity.

5. The provisions of this chapter do not require an operator of a tow car who provides towing for a licensed motor club regulated pursuant to chapter 696A of NRS to obtain a certificate of public convenience and necessity or to comply with the regulations or rates adopted by the [commission] *authority* to provide that towing.

Sec. 174. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of operation from the [commission] *authority* before he provides any services other than those services which he provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the other requirements of NRS 706.153 and 706.4463 to 706.4479, inclusive.

2. The [commission] *authority* shall issue a certificate of operation to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of subsection 1;

(b) Complies with the requirements of the regulations adopted by the [commission] *authority* pursuant to the provisions of this chapter; and

(c) Has provided evidence that he has filed with the [commission] *authority* a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291.

Sec. 175. NRS 706.447 is hereby amended to read as follows:

706.447 Each person who holds a certificate of public convenience and necessity for transportation of vehicles by use of a tow car and is required by regulation of the [commission] *authority* to maintain a policy of cargo insurance may, in lieu of maintaining the policy of insurance, deposit with the state treasurer, under terms which the [commission] *authority* prescribes:

1. An amount of lawful money of the United States fixed by the [commission] *authority* or bonds or other lawful negotiable instruments of the United States or of the State of Nevada of an actual market value fixed by the [commission;] *authority;* or

2. A savings certificate issued by a bank or savings and loan association in Nevada which indicates an amount at least equal to the amount fixed by the [commission] *authority* and which states that the amount is unavailable for withdrawal except on order of the [commission.] *authority.* Interest earned on the deposit accrues to the holder of the certificate.

Sec. 176. NRS 706.4473 is hereby amended to read as follows:

706.4473 The operator shall inform each owner, or agent of the owner, of a towed motor vehicle that the owner or agent may file a complaint with the [commission] *authority* regarding any violation of the provisions of this chapter.

Sec. 177. NRS 706.448 is hereby amended to read as follows:

706.448 1. Subject to the provisions of subsection 2, any person holding a certificate of public convenience and necessity for transportation of vehicles by use of a tow car on July 1, 1973, and who, within 90 days after July 1, 1973, files an application with the commission [shall] *must* be granted a certificate of public convenience and necessity for transportation of vehicles by use of:

(a) A motorcycle trailer; or

(b) Any other vehicle which is not a tow car.

2. The certificate of public convenience and necessity issued under the provisions of paragraph (b) of subsection 1 shall provide that if any vehicle is so disabled or so constructed that it cannot be towed by a tow car, the tow car operator may transport the vehicle with a vehicle other than a tow car from the point of disablement to a single destination and may make an appropriate charge, as determined by the [commission,] *authority,* for the use of such vehicle.

Sec. 178. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The [commission] *authority* shall act upon complaints regarding the failure of an operator to comply with the provisions of NRS 706.153 and 706.4463 to 706.4485, inclusive.

2. In addition to any other remedies that may be available to the [commission] *authority* to act upon complaints, the [commission] *authority* may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the [commission] *authority* determines to be appropriate.

Sec. 179. NRS 706.4485 is hereby amended to read as follows:

706.4485 A law enforcement agency that maintains and utilizes a list of operators of tow cars which are called by that agency to provide towing shall not include an operator on the list unless he:

1. Holds a certificate to provide towing issued by the [commission.] *authority.*

2. Agrees to comply with all applicable provisions of [chapters 482, 484 and 706 of NRS.] *this chapter and chapters 482 and 484 of NRS.*

3. Agrees to respond in a timely manner to requests for towing made by the agency.

4. Maintains adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed.

5. Meets such other standards as the law enforcement agency may adopt to protect the health, safety and welfare of the public.

Sec. 180. NRS 706.449 is hereby amended to read as follows:

706.449 The [commission] *authority* may impose an administrative fine pursuant to subsection 2 of NRS 706.771 on the owner or operator of a tow car who fails to pay in a timely manner any charge required to be paid by subsection 2 of NRS 484.631.

Sec. 181. NRS 706.451 is hereby amended to read as follows:

706.451 1. Each owner or operator of a tow car subject to the jurisdiction of the [commission] *authority* shall, before commencing to operate or continuing operation after July 1, 1971, and annually thereafter, pay to the [commission] *authority* for each tow car operated, a fee of not more than $36.

2. The fee provided in this section must be paid on or before January 1 of each year.

3. The initial fee must be reduced one-twelfth for each month which has elapsed since the beginning of the calendar year before July 1, 1971, for those tow cars lawfully operating on that date or before the commencement of operation of each tow car commencing operation after July 1, 1971.

4. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

Sec. 182. NRS 706.457 is hereby amended to read as follows:

706.457 The [commission] *authority* may by subpoena require any person believed by it to be subject to any of the provisions of NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* who has not obtained a required certificate of public convenience and necessity or a required permit issued in accordance with those sections, to appear before it with all of his relevant books, papers and records and to testify concerning the scope, nature and conduct of his business.

Sec. 183. NRS 706.458 is hereby amended to read as follows:

706.458 1. The district court in and for the county in which any investigation or hearing is being conducted by the [commission] *authority* pursuant to the provisions of this chapter may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the [commission.] *authority.*

2. If any witness refuses to attend or testify or produce any papers required by such subpoena the [commission] *authority* may report to the district court in and for the county in which the investigation or hearing is pending by petition, setting forth:

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

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

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

and asking an order of the court compelling the witness to attend and testify or produce the books or papers.

3. The court, upon petition of the [commission,] *authority,* shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the [commission.] *authority.* A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued, the court shall thereupon enter an order that the witness appear at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 184. NRS 706.461 is hereby amended to read as follows:

706.461 When:

1. A complaint has been filed with the [commission] *authority* alleging that any vehicle is being operated without a certificate of public convenience

and necessity or contract carrier's permit as required by NRS 706.011 to 706.791, inclusive [;] , *and sections 104 to 128, inclusive, of this act;* or

2. The [commission] *authority* has reason to believe that any:

(a) Person is advertising to provide the services of a fully regulated carrier in intrastate commerce without including the number of his certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* is being violated,

the [commission] *authority* shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive [. The commission] , *and sections 104 to 128, inclusive, of this act. The authority* shall enforce compliance with the order under the powers vested in the [commission] *authority* by NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* or by other law.

Sec. 185. NRS 706.471 is hereby amended to read as follows:

706.471 1. Each taxicab motor carrier shall, before commencing the operation defined in NRS 706.126 and annually thereafter, pay to the [commission] *authority* for each taxicab which it operates, including each taxicab it leases pursuant to NRS 706.473, a fee of not more than $75 as determined by a regulation of the [commission.] *authority.*

2. The fee provided in this section must be paid on or before January 1 of each year.

3. The initial fee must be reduced one-twelfth for each month which has elapsed since the beginning of the calendar year in which operation is begun.

4. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

Sec. 186. NRS 706.473 is hereby amended to read as follows:

706.473 1. In a county whose population is less than 400,000, a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may, upon approval from the [commission,] *authority,* lease a taxicab to an independent contractor who does not hold a certificate of public convenience and necessity. A person may lease only one taxicab to each independent contractor with whom he enters into a lease agreement. The taxicab may be used only in a manner authorized by the lessor's certificate of public convenience and necessity.

2. A person who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the [commission] *authority* for its approval. The agreement is not effective until approved by the [commission.] *authority.*

3. A person who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

4. The [commission] *authority* or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

Sec. 187. NRS 706.475 is hereby amended to read as follows:

706.475 1. The [commission] *authority* shall adopt such regulations as are necessary to:

(a) Carry out the provisions of NRS 706.473; and

(b) Ensure that the taxicab business remains safe, adequate and reliable.

2. Such regulations must include, without limitation:

(a) The minimum qualifications for an independent contractor;

(b) Requirements related to liability insurance;

(c) Minimum safety standards; and

(d) The procedure for approving a lease agreement and the provisions that must be included in a lease agreement concerning the grounds for the revocation of such approval.

Sec. 188. NRS 706.631 is hereby amended to read as follows:

706.631 The remedies of the state provided for in NRS 706.011 to 706.861, inclusive, *and sections 104 to 128, inclusive, of this act,* are cumulative, and no action taken by the department or [commission shall] *authority may* be construed to be an election on the part of the state or any of its officers to pursue any remedy under NRS 706.011 to 706.861, inclusive, *and sections 104 to 128, inclusive, of this act,* to the exclusion of any other remedy for which provision is made in NRS 706.011 to 706.861, inclusive [.] , *and sections 104 to 128, inclusive, of this act.*

Sec. 189. NRS 706.6411 is hereby amended to read as follows:

706.6411 1. All motor carriers coming within the terms of NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* to whom the certificates, permits and licenses provided by NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* have been issued may transfer them to another carrier qualified under NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* but no such transfer is valid for any purpose until a joint application to make the transfer has been made to the [commission] *authority* by the transferor and the transferee, and the [commission] *authority* has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate motor carrier under the jurisdiction of the [commission] *authority* is valid without the [commission's] prior approval *of the authority* if the effect of the transfer

would be to change the corporate control of the carrier or if a transfer of 15 percent or more of the common stock of the carrier is proposed.

2. Except as otherwise provided in subsection 3, the [commission] *authority* shall fix a time and place for a hearing to be held unless the application is made to transfer the certificate from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners, and may hold a hearing to consider such an application.

3. The [commission] *authority* may also dispense with the hearing on the joint application to transfer if, upon the expiration of the time fixed in the notice thereof, no protest against the transfer of the certificate or permit has been filed by or in behalf of any interested person.

4. In determining whether or not the transfer of a certificate of public convenience and necessity or a permit to act as a contract carrier should be authorized, the [commission] *authority* shall consider:

(a) The service which has been performed by the transferor and that which may be performed by the transferee.

(b) Other authorized facilities for transportation in the territory for which the transfer is sought.

(c) Whether or not the transferee is fit, willing and able to perform the services of a common or contract carrier by vehicle and whether or not the proposed operation would be consistent with the legislative policy set forth in NRS 706.151.

5. Upon such a transfer, the [commission] *authority* may make such amendments, restrictions or modifications in a certificate or permit as the public interest may require.

6. No transfer is valid beyond the life of the certificate, permit or license transferred.

Sec. 190. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, none of the provisions of NRS [703.191, 703.310, 703.374, 703.375 and] 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act,* apply to:

(a) The transportation by a contractor licensed by the state contractors' board of his own equipment in his own vehicles from job to job.

(b) Any person engaged in transporting his own personal effects in his own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by him in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on

television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of subsection [4] *1* of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to subsection [2] *1* of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the [commission] *authority* to issue certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

4. Any person who operates under a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to his actual operation as prescribed in this chapter, computed from the date when that operation began.

Sec. 191. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to ambulances or hearses.

2. A common motor carrier who enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of regular routes and fixed schedules. Under such an agreement, the public entity shall establish the routes and fares and provide for any required safety inspections.

3. A nonprofit carrier of elderly or physically or mentally handicapped persons is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not exempt from inspection by the [commission] *authority* to determine whether its vehicles and their operation are safe.

4. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

Sec. 192. NRS 706.749 is hereby amended to read as follows:

706.749 1. The [commission] *authority* may issue a permit, valid for 1 year after the date of issuance, to an employer to transport his employees between their place of work and their homes or one or more central parking areas if the employer files an application, on a form provided by the [commission,] *authority,* showing:

(a) The name of the employer;

(b) The places where employees will be picked up and discharged, including the location of their place of work;

(c) Identification of each vehicle to be used and certification that it is owned or the subject of a long-term lease by the employer;

(d) That each vehicle is registered to and operated by the employer; and

(e) Any charge which will be made for the service.

2. The employer must pay a fee of $10 for each vehicle which he will regularly use to transport his employees.

3. The employer must charge no fare for the use of the service, or no more than an amount required to amortize the cost of the vehicle and defray the cost of operating it.

4. The [commission] *authority* shall renew the permit upon receipt of a fee of $10 per vehicle regularly used to transport employees.

Sec. 193. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and sections 104 to 128, inclusive, of this act,* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and sections 104 to 128, inclusive, of this act,* or by the [commission] *authority* or the department pursuant to the provisions of NRS 706.011 to 706.861, inclusive [;] , *and sections 104 to 128, inclusive, of this act;*

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive [;] , *and sections 104 to 128, inclusive, of this act;*

(d) Fails to obey any order, decision or regulation of the [commission] *authority* or the department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive [;] , *and sections 104 to 128, inclusive, of this act;*

(g) Advertises as providing the services of a fully regulated carrier without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been canceled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the [commission] *authority* or department any certificate, permit, license or identifying device which has been suspended, canceled or revoked pursuant to the provisions of this chapter,

is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. A person convicted of a misdemeanor for a violation of the provisions of NRS 706.386 or 706.421 shall be punished:

(a) For the first offense by a fine of not less than $500 nor more than $1,000;

(b) For a second offense within 12 consecutive months and each subsequent offense by a fine of $1,000; or

(c) For any offense, by imprisonment in the county jail for not more than 6 months, or by both the prescribed fine and imprisonment.

3. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

4. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 194. NRS 706.761 is hereby amended to read as follows:

706.761 1. Any agent or person in charge of the books, accounts, records, minutes or papers of any private, common or contract motor carrier of passengers or household goods or broker of any of these services who refuses or fails for a period of 30 days to furnish the [commission] *authority* or department with any report required by either or who fails or refuses to permit any person authorized by the [commission] *authority* or department to inspect such books, accounts, records, minutes or papers on behalf of the [commission] *authority* or department is liable to a penalty in a sum of not

less than $300 nor more than $500. The penalty may be recovered in a civil action upon the complaint of the [commission] *authority* or department in any court of competent jurisdiction.

2. Each day's refusal or failure is a separate offense, and is subject to the penalty prescribed in this section.

Sec. 195. NRS 706.766 is hereby amended to read as follows:

706.766 1. It is unlawful for any fully regulated carrier to charge, demand, collect or receive a greater or less compensation for any service performed by it within [the] *this* state or for any service in connection therewith than is specified in its fare, rates, joint rates, charges or rules and regulations on file with the [commission,] *authority,* or to demand, collect or receive any fare, rate or charge not specified. The rates, tolls and charges named therein are the lawful rates, tolls and charges until they are changed as provided in this chapter.

2. It is unlawful for any fully regulated carrier to grant any rebate, concession or special privilege to any person which, directly or indirectly, has or may have the effect of changing the rates, tolls, charges or payments.

3. Any violation of the provisions of this section subjects the violator to the penalty prescribed in NRS 706.761.

Sec. 196. NRS 706.771 is hereby amended to read as follows:

706.771 1. Any fully regulated carrier, broker of regulated services or other person who transports or stores household goods, or any agent or employee thereof, who violates any provision of this chapter, any lawful regulation of the [commission] *authority* or any lawful tariff on file with the [commission] *authority* or who fails, neglects or refuses to obey any lawful order of the [commission] *authority* or any court order for whose violation a civil penalty is not otherwise prescribed is liable to a penalty of not more than $10,000 for any violation. The penalty may be recovered in a civil action upon the complaint of the [commission] *authority* in any court of competent jurisdiction.

2. If the [commission] *authority* does not bring an action to recover the penalty prescribed by subsection 1, the [commission] *authority* may impose an administrative fine of not more than $10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or issued by the [commission] *authority* or department pursuant to the provisions of this chapter. A fine imposed by the [commission] *authority* may be recovered by the [commission] *authority* only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.

3. All administrative fines imposed and collected by the [commission] *authority* pursuant to subsection 2 are payable to the state treasurer and must be credited to a separate account to be used by the [commission] *authority* to enforce the provisions of this chapter.

4. A penalty or fine recovered pursuant to this section is not a cost of service for purposes of rate making.

Sec. 197. NRS 706.776 is hereby amended to read as follows:

706.776 1. The owner or operator of a motor vehicle to which any provisions of NRS 706.011 to 706.861, inclusive, *and sections 104 to 128, inclusive, of this act,* apply carrying passengers or property on any highway in the State of Nevada shall not require or permit any driver of the motor vehicle to drive it in any one period longer than the time permitted for that period by the order of the [commission] *authority* or the department.

2. In addition to other persons so required, the labor commissioner shall enforce the provisions of this section.

Sec. 198. NRS 706.779 is hereby amended to read as follows:

706.779 The [commission] *authority* and its inspectors may, upon halting a person for a violation of the provisions of NRS 706.386 or 706.421, move his vehicle or cause it to be moved to the nearest garage or other place of safekeeping until it is removed in a manner which complies with the provisions of this chapter.

Sec. 199. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, *and sections 104 to 128, inclusive, of this act,* for the prevention and punishment of any violation of the provisions thereof and of all orders of the [commission] *authority* or the department, the [commission] *authority* or the department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, *and sections 104 to 128, inclusive, of this act,* and with the orders of the [commission] *authority* or the department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 200. NRS 706.881 is hereby amended to read as follows:

706.881 1. NRS 706.8811 to 706.885, inclusive, apply to any county:

(a) Whose population is 400,000 or more; or

(b) For whom regulation by the taxicab authority is not required if its board of county commissioners has enacted an ordinance approving the inclusion of the county within the jurisdiction of the taxicab authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the taxicab authority is not required, the taxicab authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the [public service commission of Nevada] *transportation services authority* do not apply.

Sec. 201. NRS 706.8813 is hereby amended to read as follows:

706.8813 "Certificate holder" means a person who holds a current certificate of public convenience and necessity which was issued for the operation of a taxicab business by:

1. The public service commission of Nevada [prior to] *before* July 1, 1981, and which has not been transferred, revoked or suspended by the *transportation services authority, the* taxicab authority [,] *or* the public [service] *utilities* commission of Nevada , or by operation of law; [or]

2. The taxicab authority and which has not been transferred, revoked or suspended by the taxicab authority or by operation of law.

Sec. 202. NRS 706.8818 is hereby amended to read as follows:

706.8818 1. A taxicab authority, consisting of five members appointed by the governor, is hereby created. No member may serve for more than 6 years. No more than three members may be members of the same political party, and no elected officer of the state or any political subdivision is eligible for appointment.

2. Each member of the taxicab authority is entitled to receive a salary of not more than $80, as fixed by the authority, for each day actually employed on work of the authority.

3. While engaged in the business of the taxicab authority, each member and employee of the authority is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The taxicab authority shall maintain its principal office in the county or area of the state where it performs most of its regulatory activity.

5. The taxicab authority may adopt appropriate regulations for the administration and enforcement of NRS 706.881 to 706.885, inclusive, and as it may deem necessary, for the conduct of the taxicab business and the qualifications of and the issuance of permits to taxicab drivers, not inconsistent with the provisions of NRS 706.881 to 706.885, inclusive. The regulations may include different provisions to allow for differences among the counties to which NRS 706.881 to 706.885, inclusive, apply. Local law enforcement agencies and the Nevada highway patrol, upon request of the [taxicab] authority, may assist in enforcing the provisions of NRS 706.881 to 706.885, inclusive, and regulations adopted pursuant thereto.

6. Except to the extent of any inconsistency with the provisions of NRS 706.881 to 706.885, inclusive, every regulation and order issued by the public [service] *utilities* commission of Nevada *or the transportation services authority* remains effective in a county to which those sections apply until modified or rescinded by the taxicab authority, and must be enforced by the taxicab authority.

Sec. 203. (Deleted by amendment.)

Sec. 204. NRS 706.8833 is hereby amended to read as follows:

706.8833 1. The color scheme, insigne and design of the cruising lights of each taxicab must conform to those approved for the certificate holder [by the administrator] pursuant to regulations of the [taxicab] authority.

2. The [administrator] *authority* shall approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a

certificate holder in any county, and shall ensure that the color scheme and insigne of one certificate holder are readily distinguishable from the color schemes and insignia of other certificate holders operating in the same county.

Sec. 205. NRS 706.88395 is hereby amended to read as follows:

706.88395 1. A vehicle used as a taxicab *, limousine or other passenger vehicle* in passenger service must be impounded by the administrator if a certificate of public convenience and necessity has not been issued authorizing its operation. A hearing must be held by the administrator no later than the conclusion of the second normal business day after impoundment, weekends and holidays excluded. As soon as practicable after impoundment, the administrator shall notify the registered owner of the vehicle [of] *:*

(a) That the registered owner of the vehicle must post a bond in the amount of $20,000 to ensure his presence at all proceedings held pursuant to this section;

(b) Of the time set for the hearing *;* and

(c) Of his right to be represented by counsel during all phases of the proceedings.

2. The administrator shall hold the vehicle until the registered owner of the vehicle appears and [proves:

(a) That] *:*

(a) Proves that he is the registered owner of the vehicle;

(b) [That] *Proves that* he holds a valid certificate of public convenience and necessity; [and

(c) That]

(c) Proves that the vehicle meets all required standards of the authority [.] *; and*

(d) Posts a bond in the amount of $20,000 with the administrator.

The administrator shall return the vehicle to its registered owner when the owner meets the requirements of this subsection and pays all costs of impoundment.

3. If the registered owner is unable to meet the requirements of *paragraphs (b) or (c) or* subsection 2, the administrator [shall give the registered owner access to the vehicle so that he can remove all taxicab paraphernalia.] *may assess an administrative fine against the registered owner for each such violation in the amount of $5,000. The maximum amount of the administrative fine that may be assessed against a registered owner for a single impoundment of his vehicle pursuant to this section is $10,000.* The administrator shall return the vehicle after [all taxicab paraphernalia is removed] *any administrative fine imposed pursuant to this subsection* and all costs of impoundment have been paid.

Sec. 206. NRS 707.360 is hereby amended to read as follows:

707.360 1. The rehabilitation division of the department of employment, training and rehabilitation shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange and who is certified by the division to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service; and

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone with other persons through a dual-party relay system.

The program must be approved by the public [service] *utilities* commission of Nevada.

2. A surcharge is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this state which is sufficient to cover the costs of the program. The commission shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the commission pursuant to regulations adopted by the commission.

3. The account for telecommunication and relay services for persons with impaired speech or hearing is hereby created within the state general fund and must be administered by the division. Any money collected from the surcharge imposed pursuant to subsection 2 must be deposited in the state treasury for credit to the account. The money in the account may be used only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication, including the distribution of devices to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies for the expenses incurred in collecting and transferring to the commission the surcharge imposed by the commission;

(d) For the general administration of the program; and

(e) To train persons in the use of the devices.

4. For the purposes of this section:

(a) "Device for telecommunication" means a device which has a keyboard used to send messages by telephone, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for

telecommunication, may relay communications through third parties to persons who do not have access to such devices.

Sec. 207. NRS 708.010 is hereby amended to read as follows:

708.010 As used in this chapter, "commission" means the public [service] *utilities* commission of Nevada.

Sec. 208. NRS 709.145 is hereby amended to read as follows:

709.145 1. Any political subdivision of the State of Nevada which operates or controls a water company, or the board of county commissioners of any county from which a franchise has been obtained, pursuant to NRS 709.050 to 709.170, inclusive, by a water company exempt from regulation by the public [service] *utilities* commission of Nevada, may contract with the public [service] *utilities* commission of Nevada for rate determination assistance, engineering services or financing advice concerning that water company.

2. Any such contract does not divest a political subdivision or a board of county commissioners of any of its jurisdiction over that water company.

3. The public [service] *utilities* commission of Nevada may charge a reasonable fee for those services.

Sec. 209. NRS 709.146 is hereby amended to read as follows:

709.146 Any water company exempt from regulation by the public [service] *utilities* commission of Nevada and franchised pursuant to NRS 709.050 to 709.170, inclusive, shall, upon request by the board of county commissioners of the county from which such water company obtained its franchise, produce its books and records for inspection by such board of county commissioners, or the public [service] *utilities* commission.

Sec. 210. NRS 709.160 is hereby amended to read as follows:

709.160 Nothing contained in NRS 709.050 to 709.170, inclusive, [shall] *must* be so construed as to deprive the public [service] *utilities* commission of Nevada of full power to regulate and control, as prescribed by law, the service, practices, regulations and charges, subject to the maximum charges fixed by the board of county commissioners upon granting the franchise, and subject also to the provisions of NRS 709.110, of all [public] utilities receiving franchises as provided in NRS 709.050 to 709.170, inclusive.

Sec. 211. NRS 709.240 is hereby amended to read as follows:

709.240 1. All poles from which wires are suspended for electric power, light or heating purposes within the boundaries of unincorporated towns or cities and over public highways shall be subject to such rules and regulations in constructing and maintaining the same as may be prescribed by the public [service] *utilities* commission of Nevada.

2. The persons or corporations operating such electric light, heat or power lines shall provide a competent electrician, at the expense of such persons or corporations, to cut, repair and replace wires in all cases where

such cutting, repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

Sec. 212. NRS 710.145 is hereby amended to read as follows:

710.145 1. Notwithstanding the provisions of any other statute, a telephone system which is under the control and management of a county may extend its operation across county boundaries if:

(a) The proposed operations are not within the scope of activities regulated pursuant to chapter 704 of NRS;

(b) The public [service] *utilities* commission of Nevada has, pursuant to subsection 3 of NRS 704.040, determined that the extended services are competitive or discretionary and that regulation thereof is unnecessary; or

(c) The public [service] *utilities* commission of Nevada has, in an action commenced under NRS 704.330 and after 20 days' notice to all telephone utilities providing service in the county into which the operation is to be extended, determined that no other telephone service can reasonably serve the area into which the extension is to be made and approves the extension of the system. No such extension may be permitted for a distance of more than 10 miles.

2. Except as otherwise provided in subsection 1, nothing in this section vests jurisdiction over a county telephone system in the public [service] *utilities* commission of Nevada.

Sec. 213. NRS 711.030 is hereby amended to read as follows:

711.030 "Community antenna television company" means any person or organization which owns, controls, operates or manages a community antenna television system, except that the definition does not include:

1. A telephone, telegraph or electric utility regulated by the public [service] *utilities* commission of Nevada where the utility merely leases or rents to a community antenna television company wires or cables for the redistribution of television signals to or toward subscribers of that company; or

2. A telephone or telegraph utility regulated by the public [service] *utilities* commission of Nevada where the utility merely provides channels of communication under published tariffs filed with that commission to a community antenna television company for the redistribution of television signals to or toward subscribers of that company.

Sec. 214. NRS 711.240 is hereby amended to read as follows:

711.240 1. Except with respect to reasonable promotional activities, a person shall not advertise, offer to provide or provide any service to subscribers of television services at a rate, including any rebate, less than the cost to the company to provide the service which is advertised, offered or provided with the intent to:

(a) Impair fair competition or restrain trade among companies which provide services in the same area; or

(b) Create a monopoly.

2. For the purposes of this section, "cost" means the expense of doing business including, without limitation, expenses for labor, rent, depreciation, interest, maintenance, delivery of the service, franchise fees, taxes, insurance and advertising.

3. A community antenna television company may offer any telecommunication or related services which are offered in the same area by a telephone company, pursuant to chapter 704 of NRS and regulations approved by the public [service] *utilities* commission of Nevada for providers of similar services. A community antenna television company shall obtain a certificate of public convenience and necessity pursuant to NRS 704.330 before providing telecommunication or related services which are subject to regulation by the public [service] *utilities* commission of Nevada.

4. A violation of subsection 1 constitutes a prohibited act under NRS 598A.060. The attorney general and any other person may exercise the powers conferred by that chapter to prevent, remedy or punish such a violation. The provisions of chapter 598A of NRS apply to any such violation.

Sec. 215. NRS 712.020 is hereby amended to read as follows:

712.020 The legislature hereby finds and declares that the storage of household goods and effects in warehouses affects the public interest and the public welfare, and in the exercise of its police power it is necessary to vest in the [public service commission of Nevada] *transportation services authority* the authority to set certain standards as to fitness and financial stability, and to require certain insurance as a condition for engaging in such storage business.

Sec. 216. NRS 712.040 is hereby amended to read as follows:

712.040 [No] *A* person shall *not* engage in the storage of household goods and effects without first having obtained from the [commission] *transportation services authority* a warehouse permit to conduct such service.

Sec. 217. NRS 712.050 is hereby amended to read as follows:

712.050 1. Before issuing a warehouse permit the [commission] *transportation services authority* shall:

(a) Require proof of financial ability to protect persons storing property from loss or damage, and a showing of sufficient assets, including working capital, to carry out the proposed service.

(b) Determine that the applicant has sufficient experience in and knowledge of the storage in a warehouse of household goods and effects, and the [commission's] regulations *of the transportation services authority* governing the storage of household goods and effects.

(c) Require proof that the applicant carries a legal policy of liability insurance evidencing coverage against fire, theft, loss and damage for stored

property and effects in an amount not less than the base release value set forth in the tariff approved by the [commission] *transportation services authority* governing the transportation of household goods and effects for those articles not covered by private insurance. Except upon 30 days' written notice to the [commission,] *transportation services authority,* the insurance must not be canceled during the period for which any permit is issued. Failure to keep the insurance in effect is cause for revocation of any warehouse permit.

(d) Require information showing that the property to be used for storage of household goods and effects is reasonably suitable for that purpose. Failure to maintain the property in suitable condition is cause for revocation of any warehouse permit.

(e) Collect an initial fee for the permit as set by the commission according to the gross volume of business in an amount not less than $25 nor more than $50.

2. On or before January 1 of each year, the holder of a warehouse permit shall pay to the [commission] *transportation services authority* an annual fee as set by the [commission] *transportation services authority* pursuant to paragraph (e) of subsection 1.

3. Any person who fails to pay the annual fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

Sec. 218. NRS 712.060 is hereby amended to read as follows:

712.060 The [commission] *transportation services authority* or its agents may:

1. Inspect any property proposed to be used for storage of household goods and effects to determine its suitability.

2. Examine the premises, books and records of any permit holder.

Sec. 219. NRS 712.070 is hereby amended to read as follows:

712.070 The [commission] *transportation services authority* shall adopt such rules or regulations as may be required for the administration of this chapter.

Sec. 220. NRS 37.010 is hereby amended to read as follows:

37.010 Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public purposes:

1. Federal activities. All public purposes authorized by the Government of the United States.

2. State activities. Public buildings and grounds for the use of the state, the University and Community College System of Nevada and all other public purposes authorized by the legislature.

3. County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school

district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

4. Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

5. Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

6. Mining, smelting and related activities. Mining, smelting and related activities as follows:

(a) Mining and related activities, which are recognized as the paramount interest of this state.

(b) Roads, railroads, tramways, tunnels, ditches, flumes, pipes and dumping places to facilitate the milling, smelting or other reduction of ores, or the working of mines, and for all mining purposes, outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other work for the reduction of ores from mines, mill dams, pipe lines, tanks or reservoirs for natural gas or oil, an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter and the necessary land upon which to erect smelters and to operate them successfully, including the deposit of fine flue dust, fumes and smoke.

7. Byroads. Byroads leading from highways to residences and farms.

8. Public utilities. Lines for telegraph, telephone, electric light and electric power and sites for plants for electric light and power.

9. Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the state or college or university.

10. Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

11. Cemeteries, public parks. Cemeteries or public parks.

12. Pipe lines of beet sugar industry. Pipe lines to conduct any liquids connected with the manufacture of beet sugar.

13. Pipe lines for petroleum products, natural gas. Pipe lines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

14. Aviation. Airports, facilities for air navigation and aerial rights of way.

15. Monorails. Monorails and any other overhead or underground system used for public transportation.

16. Community antenna television companies. Community antenna television companies which have been granted a franchise from the governing body of the jurisdictions in which they provide services. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(a) It creates no substantial detriment to the service provided by the utility;

(b) It causes no irreparable injury to the utility; and

(c) The public [service] *utilities* commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

17. Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

Sec. 221. NRS 78.085 is hereby amended to read as follows:

78.085 1. Every railroad company in this state shall, within 90 days after its road [shall be] *is* finally located:

(a) Cause to be made a map and profile thereof, and of the land taken and obtained for the use thereof, and the boundaries of the several counties through which the road may run;

(b) File the same in the office of the secretary of state and a duplicate thereof with the public [service] *utilities* commission of Nevada; and

(c) Cause to be made like maps of the parts thereof located in different counties, and file the same in the office of the recorder of the county in which such parts of the road [shall be] *are* located.

2. The maps and profiles [shall] *must* be certified by the chief engineer, the acting president, and secretary of such company and copies of the same, so certified and filed as required by subsection 1, [shall] *must* be kept in the office of the company, subject to examination by all interested persons.

Sec. 222. NRS 90.520 is hereby amended to read as follows:

90.520 1. As used in this section:

(a) "Guaranteed" means guaranteed as to payment of all or substantially all of principal and interest or dividends.

(b) "Insured" means insured as to payment of all or substantially all of principal and interest or dividends.

2. Except as otherwise provided in subsections 4 and 5, the following securities are exempt from NRS 90.460 and 90.560:

(a) A security, including a revenue obligation, issued, insured or guaranteed by the United States, an agency or corporate or other instrumentality of the United States, an international agency or corporate or other instrumentality of which the United States and one or more foreign governments are members, a state, a political subdivision of a state, or an agency or corporate or other instrumentality of one or more states or their political subdivisions, or a certificate of deposit for any of the foregoing, but this exemption does not include a security payable solely from revenues to be received from an enterprise unless the:

(1) Payments are insured or guaranteed by the United States, an agency or corporate or other instrumentality of the United States, an international agency or corporate or other instrumentality of which the United States and one or more foreign governments are members, a state, a political subdivision of a state, or an agency or corporate or other instrumentality of one or more states or their political subdivisions, or by a person whose securities are exempt from registration under paragraphs (b) to (e), inclusive, or (g), or the revenues from which the payments are to be made are a direct obligation of such a person;

(2) Security is issued by this state or an agency, instrumentality or political subdivision of this state; or

(3) Payments are insured or guaranteed by a person who, within the 12 months next preceding the date on which the securities are issued, has received a rating within one of the top four rating categories of either Moody's [Investor] *Investors* Service, Inc., or Standard and Poor's [Corporation.] *Rating Services.*

(b) A security issued, insured or guaranteed by Canada, a Canadian province or territory, a political subdivision of Canada or of a Canadian province or territory, an agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government or governmental combination or entity with which the United States maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer, insurer or guarantor.

(c) A security issued by and representing an interest in or a direct obligation of a depository institution if the deposit or share accounts of the depository institution are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a successor to an applicable agency authorized by federal law.

(d) A security issued by and representing an interest in or a direct obligation of, or insured or guaranteed by, an insurance company organized under the laws of any state and authorized to do business in this state.

(e) A security issued or guaranteed by a railroad, other common carrier, public utility or holding company that is:

(1) Subject to the jurisdiction of the [Interstate Commerce Commission;] *Surface Transportation Board;*

(2) A registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of a registered holding company within the meaning of that act;

(3) Regulated in respect to its rates and charges by a governmental authority of the United States or a state; or

(4) Regulated in respect to the issuance or guarantee of the security by a governmental authority of the United States, a state, Canada, or a Canadian province or territory.

(f) Equipment trust certificates in respect to equipment leased or conditionally sold to a person, if securities issued by the person would be exempt under this section.

(g) A security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange, the Pacific Stock Exchange or other exchange designated by the administrator, any other security of the same issuer which is of senior or substantially equal rank, a security called for by subscription right or warrant so listed or approved, or a warrant or right to purchase or subscribe to any of the foregoing.

(h) A security designated or approved for designation upon issuance or notice of issuance for inclusion in the national market system by the National Association of Securities Dealers, Inc., any other security of the same issuer which is of senior or substantially equal rank, a security called for by subscription right or warrant so designated, or a warrant or a right to purchase or subscribe to any of the foregoing.

(i) An option issued by a clearing agency registered under the Securities Exchange Act of 1934, other than an off-exchange futures contract or substantially similar arrangement, if the security, currency, commodity, or other interest underlying the option is:

(1) Registered under NRS 90.470, 90.480 or 90.490;

(2) Exempt under this section; or

(3) Not otherwise required to be registered under this chapter.

(j) A security issued by a person organized and operated not for private profit but exclusively for a religious, educational, benevolent, charitable, fraternal, social, athletic or reformatory purpose, or as a chamber of commerce or trade or professional association if at least 10 days before the sale of the security the issuer has filed with the administrator a notice setting forth the material terms of the proposed sale and copies of any sales and advertising literature to be used and the administrator by order does not disallow the exemption within the next 5 full business days.

(k) A promissory note, draft, bill of exchange or banker's acceptance that evidences an obligation to pay cash within 9 months after the date of issuance, exclusive of days of grace, is issued in denominations of at least $50,000 and receives a rating in one of the three highest rating categories from a nationally recognized statistical rating organization, or a renewal of such an obligation that is likewise limited, or a guarantee of such an obligation or of a renewal.

(l) A security issued in connection with an employees' stock purchase, savings, option, profit-sharing, pension or similar employees' benefit plan.

(m) A membership or equity interest in, or a retention certificate or like security given in lieu of a cash patronage dividend issued by, a cooperative organized and operated as a nonprofit membership cooperative under the cooperative laws of any state if not traded to the public.

(n) A security issued by an issuer registered as an open-end management investment company or unit investment trust under section 8 of the Investment Company Act of 1940 if:

(1) The issuer is advised by an investment adviser that is a depository institution exempt from registration under the Investment Adviser Act of 1940 or that is currently registered as an investment adviser, and has been registered, or is affiliated with an adviser that has been registered, as an investment adviser under the Investment Advisers Act of 1940 for at least 3 years next preceding an offer or sale of a security claimed to be exempt under this paragraph, and the issuer has acted, or is affiliated with an investment adviser that has acted, as investment adviser to one or more registered investment companies or unit investment trusts for at least 3 years next preceding an offer or sale of a security claimed to be exempt under this paragraph; or

(2) The issuer has a sponsor that has at all times throughout the 3 years before an offer or sale of a security claimed to be exempt under this paragraph sponsored one or more registered investment companies or unit investment trusts the aggregate total assets of which have exceeded $100,000,000.

3. For the purpose of paragraph (n) of subsection 2, an investment adviser is affiliated with another investment adviser if it controls, is controlled by, or is under common control with the other investment adviser.

4. The exemption provided by paragraph (n) of subsection 2 is available only if the person claiming the exemption files with the administrator a notice of intention to sell which sets forth the name and address of the issuer and the securities to be offered in this state and pays a fee of:

(a) Two hundred and fifty dollars for the initial claim of exemption and the same amount at the beginning of each fiscal year thereafter in which securities are to be offered in this state, in the case of an open-end management company; or

(b) One hundred and fifty dollars for the initial claim of exemption in the case of a unit investment trust.

5. An exemption provided by paragraph (c), (e), (f), (i) or (k) of subsection 2 is available only if, within the 12 months immediately preceding the use of the exemption, a notice of claim of exemption has been filed with the administrator and a nonrefundable fee of $150 has been paid.

Sec. 223. NRS 113.060 is hereby amended to read as follows:

113.060 1. Any person who is proposing to sell a previously unsold home or improved lot for which water or sewerage services will be provided by a public utility that:

(a) Serves or plans to serve more than 25 customers; and

(b) Presently serves fewer than 2,000 customers,

shall post in a conspicuous place on the property or at his sales office if an improved lot is being sold, a notice which states the current rates to be charged for such services or, if the public utility is not presently serving customers, the projected rates to be charged. The notice must also contain the name, address and telephone number of the public utility and the division of consumer [relations] *complaint resolution* of the public [service] *utilities* commission of Nevada.

2. Before the home or lot is sold, the seller shall give the purchaser a copy of the notice described in subsection 1.

Sec. 224. NRS 118B.140 is hereby amended to read as follows:

118B.140 The landlord or his agent or employee shall not:

1. Require a person to purchase a mobile home from him or any other person as a condition to renting a mobile home lot to the purchaser or give an adjustment of rent or fees, or provide any other incentive to induce the purchase of a mobile home from him or any other person.

2. Charge or receive:

(a) Any entrance or exit fee for assuming or leaving occupancy of a mobile home lot.

(b) Any transfer or selling fee or commission as a condition to permitting a tenant to sell his mobile home or recreational vehicle within the mobile home park even if the mobile home or recreational vehicle is to remain within the park, unless the landlord is licensed as a dealer of mobile homes pursuant to NRS 489.311 and has acted as the tenant's agent in the sale pursuant to a written contract.

(c) Any fee for the tenant's spouse or children.

(d) Any fee for pets kept by a tenant in the park. If special facilities or services are provided, the landlord may also charge a fee reasonably related to the cost of maintenance of the facility or service and the number of pets kept in the facility.

(e) Any additional service fee unless the landlord provides an additional service which is needed to protect the health and welfare of the tenants, and

written notice advising each tenant of the additional fee is sent to the tenant 90 days in advance of the first payment to be made, and written notice of the additional fee is given to prospective tenants on or before commencement of their tenancy. A tenant may only be required to pay the additional service fee for the duration of the additional service.

(f) Any fee for a late monthly rental payment within 4 days of the date the rental payment is due or which exceeds $1 for each day which the payment is overdue, beginning on the day after the payment was due. Any fee for late payment of charges for utilities must be in accordance with the requirements prescribed by the public [service] *utilities* commission of Nevada.

(g) Any fee, surcharge or rent increase to recover from his tenants the costs resulting from converting from a master-metered water system to individual water meters for each mobile home lot.

Sec. 225. Chapter 119 of NRS is hereby amended by adding thereto a new section to read as follows:

It is unlawful for a developer to sell any lot, parcel, unit or interest in a subdivision without disclosing to the purchaser in writing, before the purchaser signs any binding agreement, the location in the subdivision, and on all land contiguous thereto, of all rights of way and easements for transmission lines of public utilities that supply electricity.

Sec. 226. NRS 119.121 is hereby amended to read as follows:

119.121 Unless the method of disposition is adopted to evade the provisions of this chapter or of the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §§ 1701 to 1720, inclusive, if each lot, parcel, interest or unit being offered or disposed of in any subdivision is at least one-sixteenth of a section as described by a survey of the government land office, but not less than 35 acres, or 40 acres in area, including roadways and easements, but not more than 80 acres in size, and the developer:

1. Completes an application in such form and containing such reasonable information as the division may require;

2. Pays the fees prescribed in this chapter for a permit for partial registration;

3. Requires the purchaser or his agent to inspect the land before purchasing it; and

4. Signs an affirmation which states that the purchaser or his agent has inspected the land before purchasing it and makes that affirmation a matter of record pursuant to the regulations of the division,

the developer need only comply with the provisions of NRS 119.183, 119.184 and 119.230 [.] , *and section 225 of this act.*

Sec. 227. NRS 120A.220 is hereby amended to read as follows:

120A.220 All intangible personal property held for the owner by any court, public corporation, public authority or public officer, an appointee thereof, a federal or state governmental entity or a political subdivision

thereof, that has remained unclaimed by the owner for more than 5 years after it became payable or distributable is presumed abandoned and subject to the provisions of this chapter if:

1. The last known address or residence of the owner of the property is in this state; or

2. The property is otherwise abandoned in this state.

This section does not apply to refunds held by the public [service] *utilities* commission of Nevada pursuant to NRS 703.375 [.] *or by the transportation services authority pursuant to chapter 706 of NRS.*

Sec. 228. NRS 179A.100 is hereby amended to read as follows:

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

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

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

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

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

(c) Reported to the central repository.

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

(a) Reflect convictions only; or

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

4. The central repository shall disseminate to a prospective or current employer, upon request, information relating to sexual offenses concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information.

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

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

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative,

licensing, disciplinary or other proceeding to which the information is relevant.

(c) The state gaming control board.

(d) The state board of nursing.

(e) The private investigator's licensing board to investigate an applicant for a license.

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

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

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

(i) Any public utility subject to the jurisdiction of the public [service] *utilities* commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

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

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

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

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

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

(o) The division of child and family services of the department of human resources and any county agency that is operated pursuant to NRS 432B.325 or authorized by a court of competent jurisdiction to receive and investigate reports of abuse or neglect of children and which provides or arranges for protective services for such children.

6. Agencies of criminal justice in this state which receive information from sources outside [the] *this* state concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 229. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 230 to 233, inclusive, of this act.

Sec. 230. *1. There is hereby created a legislative committee on utilities. The committee consists of:*

(a) Three members appointed by the majority leader of the senate, in consultation with the minority leader of the senate, from the membership of the senate standing committee on commerce and labor during the immediately preceding session of the legislature.

(b) Three members appointed by the speaker of the assembly from the membership of the assembly standing committee on government affairs during the immediately preceding session of the legislature.

2. The chairmanship of the committee must alternate between the houses of the legislature as follows:

(a) The majority leader of the senate shall:

(1) Select a person from the members appointed pursuant to paragraph (a) of subsection 1 to serve as chairman for the period ending with the convening of the 70th session of the legislature; and

(2) Select a person from the members appointed pursuant to paragraph (a) of subsection 1 to serve as chairman in each subsequent period beginning with the convening of each odd-numbered regular session of the legislature and ending with the convening of each even-numbered regular session of the legislature; and

(b) The speaker of the assembly shall select a person from the members appointed pursuant to paragraph (b) of subsection 1 to serve as chairman in each period beginning with the convening of each even-numbered regular session of the legislature and ending with the convening of each odd-numbered regular session of the legislature.

3. Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next regular session of the legislature.

4. Vacancies on the committee must be filled in the same manner as original appointments.

Sec. 231. *1. The members of the legislative committee on utilities shall meet at least quarterly and at the times and places specified by a call of the chairman. The director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. Four members of the committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee.*

2. Except during a regular or special session of the legislature, the members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the committee and while engaged in the business of the committee. The salaries

and expenses of the members of the committee and other expenses incurred by the committee in carrying out its duties must be paid from assessments imposed pursuant to NRS 704.033.

Sec. 232. *The legislative committee on utilities:*

1. May review issues related to all public utilities subject to the jurisdiction of the public service commission of Nevada to:

(a) Maximize the benefits of a competitive marketplace;

(b) Ensure flexibility to providers of energy;

(c) Foster growth and innovation in the provision of services through the public service commission of Nevada;

(d) Ensure and enhance the safety and reliability of the public utilities provided in this state; and

(e) Ensure the protection of the persons who use the services provided by such public utilities.

2. May review issues related to the consumer's advocate.

3. Shall evaluate whether or the extent to which:

(a) Requirements should be established regarding the use of renewable resources and the creation of programs to improve energy efficiency; and

(b) The diversity of fuel, the diversity of generation resources or any economic or environmental factors should be considered in determining the optimal combination of generation resources necessary to meet the requirements for electric energy in this state.

4. May conduct investigations and hold hearings in connection with carrying out its duties pursuant to this section.

5. May direct the legislative counsel bureau to assist in its research, investigations, hearings and reviews.

Sec. 233. *1. There is hereby created a Northern Nevada advisory oversight committee and a Southern Nevada advisory oversight committee for the legislative committee on utilities.*

2. The Northern Nevada advisory committee must be appointed by members of the legislature who represent a district which comprises any part of the service territory of an electric utility which, on the effective date of this section, holds a certificate of public convenience and necessity on July 1, 1997, that includes Washoe County and consists of:

(a) Not more than two persons representing the electric utility whose service area includes Washoe County.

(b) One shareholder of that electric utility.

(c) Two residential customers of the electric utility.

(d) Two persons who represent small businesses that use not less than 800 kilowatts but not more than 5 megawatts of electricity supplied by the electric utility.

(e) Two persons who represent two different large industrial users who use 5 megawatts of electricity or more supplied by the electric utility.

(f) Two persons who represent local governments that receive electric service from the electric utility.

(g) One or two persons who represent alternative sellers and cogeneration or small power production facilities that meet the criteria of and has been certified as a qualified facility pursuant to Title 18, Code of Federal Regulations, sections 292.201 to 292.207, inclusive, as those sections existed on the effective date of this act, operating to provide electric service in the service territory of the electric utility.

(h) One or two legislators from those legislators who are eligible to appoint the committee pursuant to this subsection.

3. The Southern Nevada advisory committee must be appointed by members of the legislature who represent a district which comprises any part of the service territory of an electric utility which, on the effective date of this section, holds a certificate of public convenience and necessity on July 1, 1997, that includes Clark County and consists of:

(a) Not more than two persons representing the electric utility whose service area includes Clark County.

(b) One shareholder of that electric utility.

(c) Two residential customers of the electric utility.

(d) Two persons who represent small businesses that use not less than 800 kilowatts but not more than 5 megawatts of electricity supplied by the electric utility.

(e) Two persons who represent two different large industrial users who use 5 megawatts of electricity or more supplied by the electric utility.

(f) Two persons who represent local governments that receive electric service from the electric utility.

(g) One or two persons who represent alternative sellers and cogeneration or small power production facilities that meet the criteria of and has been certified as a qualified facility pursuant to Title 18, Code of Federal Regulations, sections 292.201 to 292.207, inclusive, as those sections existed on the effective date of this act, operating to provide electric service in the service territory of the electric utility.

(h) One or two legislators from those legislators who are eligible to appoint the committee pursuant to this subsection.

4. Members of the advisory committees serve without compensation and are not entitled to the per diem allowance or travel expenses provided for state officers and employees generally.

5. The advisory committee shall:

(a) Discuss the rules and regulations related to the provision of competitive electric service in this state and the needs of the residents of this state related to such competition, including, but not limited to, issues relating to affiliates, aggregation of services, alternative sellers, anticompetitive

conduct, resource planning, renewable energy, consumer education, potentially competitive services, recovery of stranded costs and rate caps.

(b) Monitor the progress of the public service commission of Nevada in facilitating such competition.

6. The advisory committees shall submit recommendations to the legislative committee on utilities. The Southern Nevada advisory committee shall submit its recommendations to the inaugural meeting of the legislative committee on utilities, and thereafter, unless otherwise directed by the legislative committee on utilities, the advisory committee that is designated to submit recommendations alternates between every other meeting of the legislative committee on utilities.

Sec. 234. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 235 to 239, inclusive, of this act.

Sec. 235. *"Bureau of consumer protection" means the bureau of consumer protection in the office of the attorney general.*

Sec. 236. *"Consumer's advocate" means the consumer's advocate of the bureau of consumer protection.*

Sec. 237. *"Cooperative utility" means a cooperative association or nonprofit corporation or association which supplies utility services for the use of its own members only.*

Sec. 238. *"Public interest" means the interests or rights of the State of Nevada and of the residents of this state, or a broad class of those residents, which arise from the constitutions, court decisions and statutes of this state and of the United States and from the common law.*

Sec. 239. *1. The consumer's advocate:*

(a) May compile and maintain a data base of the types of telecommunication services that are available in this state. Such a data base must be:

(1) In a format that can be easily understood; and

(2) Updated annually.

(b) Shall perform outreach programs, identify problems and facilitate the development of solutions relating to the provision of telecommunication service to public schools, public libraries, medical facilities and local governments in rural counties.

(c) Shall act as an advocate for the public schools, public libraries, medical facilities, local governments, businesses and general public of this state before the public utilities commission of Nevada relating to the provision of universal telephone service and access to universal service.

(d) Facilitate coordination among the agencies and local governments of this state and the commission regarding issues relating to telecommunication services.

2. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Public library" has the meaning ascribed to it in NRS 379.0057.

(c) "Rural county" means a county whose population is less than 100,000.

(d) "Universal service" means the availability of affordable and reliable basic telephone service to as many customers in this state as economically and operationally practicable.

Sec. 240. NRS 228.096 is hereby amended to read as follows:

228.096 1. The attorney general's special fund is hereby created as a special revenue fund.

2. [Except as otherwise provided by NRS 598A.260, all money received by the attorney general pursuant to those provisions of law relating to private investigators and to recoveries for unfair trade practices must be deposited in the state treasury for credit to the attorney general's special fund.

3.] All claims against the fund must be paid as other claims against the state are paid.

Sec. 241. NRS 228.097 is hereby amended to read as follows:

228.097 [Except as he is required by NRS 228.096 to deposit certain money in a special fund, the] *The* attorney general shall deposit in the state general fund all money collected by him which is in excess of the amount authorized for expenditure by the legislature.

Sec. 242. NRS 228.098 is hereby amended to read as follows:

228.098 [Except as provided in NRS 228.096, money] *Money* for the support of the operations of the office of attorney general from whatever source it is derived must be accounted for in the attorney general's administration budget account.

Sec. 243. NRS 228.300 is hereby amended to read as follows:

228.300 As used in NRS 228.300 to 228.390, inclusive, *and sections 235 to 239, inclusive, of this act,* unless the context otherwise requires [:

1. "Consumer's advocate" means the advocate for customers of public utilities.

2. "Cooperative utility" means a cooperative association or nonprofit corporation or association which supplies utility services for the use of its own members only.

3. "Public interest" means the interests or rights of the State of Nevada and of the citizens of the state, or a broad class of those citizens, which arise from the constitutions, court decisions and statutes of this state and of the United States and from the common law, as those interests and rights relate to the regulation of public utilities.] *, the words and terms defined in sections 235 to 238, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 244. NRS 228.310 is hereby amended to read as follows:

228.310 *1.* The [office of advocate for customers of public utilities] *bureau of consumer protection* is hereby created within the office of the

attorney general. [The advocate for customers of public utilities may be known as the consumer's advocate.]

2. The executive head of the bureau of consumer protection is the consumer's advocate.

Sec. 245. NRS 228.330 is hereby amended to read as follows:

228.330 The consumer's advocate may:

1. Employ [the] *such* staff *as are* necessary to carry out his duties and the functions of his office, in accordance with the personnel practices and procedures established within the attorney general's office. [The staff must include:

(a) A person licensed to practice law in this state, who shall serve as staff counsel;

(b) A person knowledgeable in rate making and principles and policies of rate regulation;

(c) A specialist in public utilities knowledgeable in accounting, finance or economics or one or more related disciplines; and

(d) An administrative assistant,

who must be in the unclassified service of the state.] The consumer's advocate has sole discretion to employ and remove [the members] *any member* of his staff. [who are in the unclassified service.]

2. Purchase necessary equipment.

3. Lease or make other suitable arrangements for office space, but any lease which extends beyond the term of 1 year must be reviewed and approved by a majority of the members of the state board of examiners.

4. Apply for an order or subpoena for the appearance of witnesses or the production of books, papers and documents in any proceeding in which he is a party or intervener, in the same manner as any other party or intervener, and make arrangements for and pay the fees or costs of any witnesses and consultants necessary to the proceeding. If any person ordered by the public [service] *utilities* commission of Nevada to appear before it as a witness pursuant to this subsection fails to obey the order, the commission shall apply for a subpoena commanding the attendance of the witness.

5. Perform such other functions and make such other arrangements as may be necessary to carry out his duties and the functions of his office.

Sec. 246. NRS 228.340 is hereby amended to read as follows:

228.340 1. [The account for the consumer's advocate is hereby created within the attorney general's special fund created pursuant to NRS 228.096. All money collected for the use of the consumer's advocate must be deposited in the state treasury for credit to the account.] *Except as otherwise provided by NRS 598A.260, all money collected by the bureau of consumer protection pursuant to NRS 704.033 and to those provisions relating to private investigators and unfair trade practices must be deposited with the*

state treasurer for credit to the account for the bureau of consumer protection.

2. Money in the account may be used only to defray the costs of maintaining the office of the consumer's advocate and for carrying out the provisions of NRS 228.300 to 228.390, inclusive.

3. All claims against the account must be paid as other claims against the state are paid.

Sec. 247. NRS 228.360 is hereby amended to read as follows:

228.360 The consumer's advocate may, with respect to all public utilities except railroads [, common and contract motor carriers] and cooperative utilities, and except as provided in NRS 228.380:

1. Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

2. Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the public [service] *utilities* commission of Nevada in the same manner and to the same extent as authorized by law for members of the public [service] *utilities* commission of Nevada and its staff.

3. Petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the public [service] *utilities* commission of Nevada or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the consumer's advocate may bring before or has brought before the public [service] *utilities* commission of Nevada or in which the public interest or the interests of any particular class of utility customers are involved. The consumer's advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and he is a real party in interest in the proceeding.

Sec. 248. NRS 228.370 is hereby amended to read as follows:

228.370 All public utilities, except railroads [, common and contract motor carriers] and cooperative utilities, and except as provided in NRS 228.380, shall provide the consumer's advocate with copies of any proposed changes in rates or service, correspondence, legal papers and other documents which are served on or delivered or mailed to the public [service] *utilities* commission of Nevada.

Sec. 249. NRS 228.380 is hereby amended to read as follows:

228.380 *1. Except as otherwise provided in this section, the consumer's advocate may exercise the power of the attorney general in areas of consumer protection, including, but not limited to, enforcement of chapters 90, 597, 598, 598A, 598B, 598C and 599B of NRS. The consumer's advocate may not exercise any powers to enforce any criminal statute set forth in chapters 90, 597, 598, 598A, 598B, 598C or 599B of NRS for any*

transaction or activity that involves a proceeding before the public utilities commission of Nevada if the consumer's advocate is participating in that proceeding as a real party in interest on behalf of the customers or a class of customers of utilities.

2. The consumer's advocate may expend revenues derived from NRS 704.033 only for activities directly related to the protection of customers of public utilities.

3. The powers of the consumer's advocate do not extend to [matters] *proceedings before the public utilities commission of Nevada* directly relating to discretionary or competitive telecommunication services.

Sec. 250. NRS 228.390 is hereby amended to read as follows:

228.390 1. The consumer's advocate has sole discretion to represent or refrain from representing the public interest and any class of [utility] customers in any proceeding.

2. In exercising his discretion, the consumer's advocate shall consider the importance and extent of the public interest or the customers' interests involved and whether those interests would be adequately represented without his participation.

3. If the consumer's advocate determines that there would be a conflict between the public interest and any particular class of [utility] customers or any inconsistent interests among the classes of [utility] customers involved in a particular matter, he may choose to represent one of the interests, to represent no interest, or to represent one interest through his office and another or others through outside counsel engaged on a case basis.

Sec. 251. NRS 232.510 is hereby amended to read as follows:

232.510 1. The department of business and industry is hereby created.

2. The department consists of a director and the following:

(a) Consumer affairs division.
(b) Division of financial institutions.
(c) Housing division.
(d) Manufactured housing division.
(e) Real estate division.
(f) Division of unclaimed property.
(g) Division of agriculture.
(h) Division of minerals.
(i) Division of insurance.
(j) Division of industrial relations.
(k) Office of labor commissioner.
(l) Taxicab authority.
(m) Nevada athletic commission.
(n) Office of the Nevada attorney for injured workers.
(o) State predatory animal and rodent committee.
(p) *Transportation services authority.*

(q) Any other office, commission, board, agency or entity created or placed within the department pursuant to a specific statute, the budget approved by the legislature or an executive order, or an entity whose budget or activities have been placed within the control of the department by a specific statute.

Sec. 252. NRS 232.520 is hereby amended to read as follows:

232.520 The director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the department, if any. The chief of the consumer affairs division is the commissioner of consumer affairs, the chief of the division of financial institutions is the commissioner of financial institutions, the chief of the housing division is the administrator of the housing division, the chief of the manufactured housing division is the administrator of the manufactured housing division, the chief of the real estate division is the real estate administrator, the chief of the division of unclaimed property is the administrator of unclaimed property, the chief of the division of agriculture is the administrator of the division of agriculture, the chief of the division of minerals is the administrator of the division of minerals, the chief of the division of insurance is the insurance commissioner, the chief of the division of industrial relations is the administrator of the division of industrial relations, the chief of the office of labor commissioner is the labor commissioner, the chief of the taxicab authority is the taxicab administrator, *the chief of the transportation services authority is the chairman of the authority* and the chief of any other entity of the department has the title specified by the director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the department. The director may, if he deems it necessary to carry out his administrative responsibilities, be considered as a member of the staff of any division or other entity of the department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the director pursuant to this subsection. Nothing contained in this subsection may be construed as allowing the director to preempt any authority or jurisdiction granted by statute to any division or other entity within the department or as allowing the director to act or take on a function that would be in contravention of a rule of court or a statute.

3. Has authority to:

(a) Establish uniform policies for the department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information services, dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the department.

(b) Provide coordination among the divisions and other entities within the department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or utilize office space.

(c) Define the responsibilities of any person designated to carry out the duties of the director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to him, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he determines is necessary or convenient for the exercise of the powers and duties of the department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the department.

5. For any bonds which he is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by him pursuant to chapters 348A and 349 of NRS. Except as so provided, the amount of any such fee or deposit must not exceed 2 percent of the principal amount of the financing.

7. May designate any person within the department to perform any of the duties or responsibilities, or exercise any of the authority, of the director on his behalf.

8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the director or the department.

9. May establish a trust account in the state treasury for the purpose of depositing and accounting for money that is held in escrow or is on deposit with the department for the payment of any direct expenses incurred by the director in connection with any bond programs administered by the director. The interest and income earned on money in the trust account, less any

amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the director pertaining to such bond programs.

Sec. 253. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The department of prisons.

(c) The University and Community College System of Nevada.

(d) The office of the military.

(e) The state gaming control board.

(f) The Nevada gaming commission.

(g) The state board of parole commissioners.

(h) The welfare division of the department of human resources.

(i) The state board of examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the office of the state engineer.

2. Except as otherwise provided in NRS 391.323, the department of education, the committee on benefits and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the public [service] *utilities* commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and

(e) NRS 90.800 for the use of summary orders in contested cases,

prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control; or

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184.

Sec. 254. NRS 233B.060 is hereby amended to read as follows:

233B.060 1. Except as otherwise provided in subsection 2 and in NRS 233B.061, before adopting, amending or repealing any permanent or temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the legislative counsel and the adopted regulation is subject to review by the legislative commission.

3. If the public [service] *utilities* commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the legislative counsel and the adopted regulation is subject to review by the legislative commission.

Sec. 255. NRS 244.3655 is hereby amended to read as follows:

244.3655 1. If the state board of health determines that:

(a) A water system which is located in a county and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available to those users,

the board of county commissioners of that county may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the public [service] *utilities* commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.905.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 256. NRS 244.3663 is hereby amended to read as follows:

244.3663 1. If the board of county commissioners determines that:

(a) A package plant for sewage treatment which is located in the county and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is not satisfactorily serving the needs of its users; and

(b) Sewerage provided by a public utility or a municipality or other public entity is reasonably available to those users,

the board may require all users of the plant to connect into the available sewers provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into those sewers. These assessments are not subject to the jurisdiction of the public [service] *utilities* commission of Nevada.

2. If the state department of conservation and natural resources has found that a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is violating any of the conditions of NRS 445A.465 to 445A.515, inclusive, and has notified the holder of the permit that he must bring the plant into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the board of county commissioners of the county in which the plant is located may take the following actions independently of any further action by the state department of conservation and natural resources:

(a) Give written notice, by certified mail, to the owner of the plant and the owners of the property served by the plant that if the violation is not corrected within 30 days after the date of the notice, the board of county commissioners will seek a court order authorizing it to assume control; and

(b) After the 30-day period has expired, if the plant has not been brought into compliance, apply to the district court for an order authorizing the board to assume control of the plant and assess the property for the continued operation and maintenance of the plant as provided in subsection 4.

3. If the board of county commissioners determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a package plant for sewage treatment which is located in the county and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, without complying with any of the requirements set forth in subsection 2. The board may not maintain control of the plant pursuant to this subsection for a period greater than 30 days unless it obtains an order from the district court authorizing an extension.

4. Each lot and parcel served by a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is subject to assessment by the board of county commissioners of the county in which the plant is located for its proportionate share of the cost

of continued operation and maintenance of the plant if there is a default or the county assumes control and operation of the plant pursuant to subsection 2 or 3.

Sec. 257. NRS 244.3665 is hereby amended to read as follows:

244.3665 The board of county commissioners may prohibit any waste of water within the unincorporated areas of the county by customers of a public water system. Any ordinance adopted under this section may:

1. Classify the conditions under which specified kinds and amounts of consumption or expenditure of water are wasteful;

2. Provide for reasonable notice to water users in any such area indicating which of such conditions, if any, exist in that area;

3. Allow any person, group of persons, partnership, corporation or other business or governmental entity which:

(a) Furnishes water to persons within such areas of the county for business, manufacturing, agricultural or household use; and

(b) Is not a public utility regulated by the public [service] *utilities* commission of Nevada,

to reduce or terminate water service to any customer who wastes water, according to reasonable standards adopted by the board; and

4. Provide other appropriate penalties for violation of the ordinance which are based upon the classification adopted under subsection 1.

Sec. 258. NRS 244A.711 is hereby amended to read as follows:

244A.711 1. Except as otherwise provided in NRS 244A.703, after holding the required public hearing, the board of county commissioners shall proceed no further unless or until it:

(a) Except as otherwise provided in subsection 2, determines by resolution the total amount of money necessary to be provided by the county for the acquisition, improvement and equipment of the project;

(b) Receives a 5-year operating history from the contemplated lessee, purchaser or other obligor, or from a parent or other enterprise which guarantees principal and interest payments on any bonds issued;

(c) Receives evidence that the contemplated lessee, purchaser, other obligor or other enterprise which guarantees principal and interest payments, has received within the 12 months preceding the date of the public hearing, or then has in effect, a rating within one of the top four rating categories of either Moody's [Investor] *Investors* Service, Inc. or Standard and Poor's [Corporation,] *Rating Services,* except that a municipal or other public supplier of electricity in this state, a public utility regulated by the public [service] *utilities* commission of Nevada, the obligor with respect to a project described in NRS 244A.6975, the owner of a historic structure, a health and care facility or a supplemental facility for a health and care facility is not required to furnish that evidence;

(d) Determines by resolution that the contemplated lessee, purchaser or other obligor has sufficient financial resources to place the project in operation and to continue its operation, meeting the obligations of the lease, purchase contract or financing agreement; and

(e) If the project is for the generation and transmission of electricity, determines by resolution that the project will serve one or more of the purposes set forth in NRS 244A.695 and specifies in the resolution its findings supporting that determination.

2. If the project is for the generation and transmission of electricity, the board may estimate the total amount of money necessary for its completion, and the total amount of money which may be provided by the county in connection with the project may exceed the estimate, without the requirement for any further public hearings to be held in connection therewith, to the extent that the excess is required to complete the project or to finance any improvements to or replacements in the project and the county has previously determined to finance the remaining costs of acquiring, improving and equipping the project.

3. The board may refuse to adopt such a resolution with respect to any project even if all the criteria of subsection 1 are satisfied. If the board desires to adopt such a resolution with respect to any project where any criterion of subsection 1 is not satisfied, it may do so only with the approval of the state board of finance. In requesting this approval, the board of county commissioners shall transmit to the state board of finance all evidence received pursuant to subsection 1.

4. If any part of the project or improvements is to be constructed by a lessee or his designee, a purchaser or his designee or an obligor or his designee, the board shall provide, or determine that there are provided, sufficient safeguards to assure that all money provided by the county will be expended solely for the purposes of the project.

Sec. 259. NRS 244A.743 is hereby amended to read as follows:

244A.743 1. A county shall not commence the construction of a project for the generation and transmission of electricity to be financed pursuant to NRS 244A.669 to 244A.763, inclusive, until the legislature approves the project in general terms and fixes the limit of the capacity of its generating facilities. After a project is originally so approved, no further legislative approval is required except the addition of generating facilities. For the purposes of this subsection, construction is commenced when excavation is begun for the foundations of a unit for the generation of electricity.

2. Approval by the legislature does not preempt the authority of any state regulatory agency, including , without limitation , the public [service] *utilities* commission of Nevada, the state environmental commission and the state department of conservation and natural resources. The county shall

determine, with the concurrence of the management committee, the capacity of the project to generate electricity, within the limit fixed by the legislature. This determination must be made before the county applies to the public [service] *utilities* commission for a permit to construct any generating unit.

Sec. 260. NRS 244A.763 is hereby amended to read as follows:

244A.763 1. NRS 244A.669 to 244A.763, inclusive, without reference to other statutes of [the] *this* state, constitute full authority for the exercise of powers granted in those sections, including , but not limited to , the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 244A.669 to 244A.763, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 244A.669 to 244A.763, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except:

(a) As otherwise provided in those sections.

(b) That a project for the generation and transmission of electricity is subject to review and approval by the state regulatory agencies which have jurisdiction of the matters involved, including , without limitation , the public [service] *utilities* commission of Nevada, the state environmental commission and the state department of conservation and natural resources.

4. No notice, consent or approval by any public body or officer thereof may be required as a prerequisite to the sale or issuance of any bonds, the making of any contract or lease, or the exercise of any other power under NRS 244A.669 to 244A.763, inclusive, except as provided in those sections.

5. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the counties is not applicable to any action taken pursuant to NRS 244A.669 to 244A.763, inclusive, except that the provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the county for work to be done in a project.

6. Any bank or trust company located within or without this state may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 244A.669 to 244A.763, inclusive, without the necessity of associating with any other person or entity as cofiduciary except that such association is not prohibited.

7. The powers conferred by NRS 244A.669 to 244A.763, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by any other law.

8. No part of NRS 244A.669 to 244A.763, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 261. NRS 268.097 is hereby amended to read as follows:

268.097 1. Except as otherwise provided in subsections 2 and 3, notwithstanding the provisions of any local, special or general law, after July 1, 1963, the governing body of any incorporated city in this state, whether incorporated by general or special act, or otherwise, may not supervise or regulate any taxicab motor carrier as defined in NRS 706.126 which is under the supervision and regulation of the [public service commission of Nevada] *transportation services authority* pursuant to law.

2. The governing body of any incorporated city in this state, whether incorporated by general or special act, or otherwise, may fix, impose and collect a license tax on and from a taxicab motor carrier for revenue purposes only.

3. The governing body of any incorporated city in any county in which the provisions of NRS 706.8811 to 706.885, inclusive, do not apply, whether incorporated by general or special act, or otherwise, may regulate by ordinance the qualifications required of employees or lessees of a taxicab motor carrier in a manner consistent with the regulations adopted by the [public service commission of Nevada.] *transportation services authority.*

Sec. 262. NRS 268.4102 is hereby amended to read as follows:

268.4102 1. If the state board of health determines that:

(a) A water system which is located within the boundaries of a city and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available to those users,

the governing body of that city may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the public [service] *utilities*

commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 263. NRS 268.4105 is hereby amended to read as follows:

268.4105 1. If the governing body of the city determines that:

(a) A package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is not satisfactorily serving the needs of its users; and

(b) Sewerage provided by a public utility, the city or another municipality or other public entity is reasonably available to those users,

the governing body may require all users of the plant to connect into the available sewers provided by a public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into those sewers. These assessments are not subject to the jurisdiction of the public [service] *utilities* commission of Nevada.

2. If the state department of conservation and natural resources has found that a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is violating any of the conditions of NRS 445A.465 to 445A.515, inclusive, and has notified the holder of the permit that he must bring the plant into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the governing body of the city in which the plant is located may take the following actions independently of any further action by the state department of conservation and natural resources:

(a) Give written notice, by certified mail, to the owner of the plant and the owners of the property served by the plant that if the violation is not corrected within 30 days after the date of the notice, the governing body of the city will seek a court order authorizing it to assume control; and

(b) After the 30-day period has expired, if the plant has not been brought into compliance, apply to the district court for an order authorizing the governing body to assume control of the plant and assess the property for the continued operation and maintenance of the plant as provided in subsection 4.

3. If the governing body of the city determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, without complying with any of the requirements set forth in subsection 2. The governing body may not maintain control of the plant pursuant to this subsection for a period

greater than 30 days unless it obtains an order from the district court authorizing an extension.

4. Each lot and parcel served by a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is subject to assessment by the governing body of the city in which the plant is located for its proportionate share of the cost of continued operation and maintenance of the plant if there is a default or the city assumes control and operation of the plant pursuant to subsection 2 or 3.

Sec. 264. NRS 268.411 is hereby amended to read as follows:

268.411 The governing body of an incorporated city may prohibit by ordinance any waste of water within its jurisdiction. Any ordinance adopted under this section may:

1. Classify the conditions under which specified kinds and amounts of consumption or expenditure of water are wasteful;

2. Provide for reasonable notice of which of such conditions, if any, exist in the city;

3. Allow any person, group of persons, partnership, corporation or other business or governmental entity which:

(a) Furnishes water to persons within the city for business, manufacturing, agricultural or household use; and

(b) Is not a public utility regulated by the public [service] *utilities* commission of Nevada,

to reduce or terminate water service to any customer or user who wastes water, according to reasonable standards adopted by the board; and

4. Provide other appropriate penalties for violation of the ordinance which are based upon the classification adopted under subsection 1.

Sec. 265. NRS 268.530 is hereby amended to read as follows:

268.530 1. After holding a public hearing as provided in NRS 268.528, the governing body shall proceed no further until it:

(a) Determines by resolution the total amount of money necessary to be provided by the city for the acquisition, improvement and equipment of the project;

(b) Receives a 5-year operating history from the contemplated lessee, purchaser or other obligor, or from a parent or other enterprise which guarantees principal and interest payments on any bonds issued;

(c) Receives evidence that the contemplated lessee, purchaser, other obligor or other enterprise which guarantees principal and interest payments, has received within the 12 months preceding the date of the public hearing a rating within one of the top four rating categories of either Moody's [Investor] *Investors* Service, Inc., or Standard and Poor's [Corporation,] *Rating Services,* except that a public utility regulated by the public [service] *utilities* commission of Nevada, the obligor with respect to a project

described in NRS 268.5385, a health and care facility or a supplemental facility for a health and care facility is not required to furnish that evidence;

(d) Determines by resolution that the contemplated lessee, purchaser or other obligor has sufficient financial resources to place the project in operation and to continue its operation, meeting the obligations of the lease, purchase contract or financing agreement; and

(e) Finds by resolution that the project:

(1) Will provide a public benefit;

(2) Would be compatible with existing facilities in the area adjacent to the location of the project;

(3) Will encourage the creation of jobs for the residents of this state;

(4) Is compatible with the general plan of the city adopted pursuant to chapter 278 of NRS; and

(5) If not exempt from the provisions of subsection 2 of NRS 268.527, will not compete substantially with an enterprise or organization already established in the city or the county within which the city is located.

2. The governing body may refuse to proceed with any project even if all the criteria of subsection 1 are satisfied. If the governing body desires to proceed with any project where any criterion of subsection 1 is not satisfied, it may do so only with the approval of the state board of finance. In requesting the approval, the governing body shall transmit to the state board of finance all evidence received pursuant to subsection 1.

3. If any part of the project or improvements is to be constructed by a lessee or his designee, a purchaser or his designee or an obligor or his designee, the governing body shall provide, or determine that there are provided, sufficient safeguards to assure that all money provided by the city will be expended solely for the purposes of the project.

Sec. 266. NRS 278.026 is hereby amended to read as follows:

278.026 As used in NRS 278.026 to 278.029, inclusive, unless the context otherwise requires:

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include:

(a) A state agency; [or]

(b) A public utility which is subject to regulation by the public [service] *utilities* commission of Nevada [.] *; or*

(c) A common or motor carrier which is subject to regulation by the transportation services authority.

2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, solid waste, energy generation and

transmission, conventions and the promotion of tourism, air quality or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.

3. "Governing board" means the governing board for regional planning created pursuant to NRS 278.0264.

4. "Joint planning area" means an area that is the subject of common study and planning by the governing body of a county and one or more cities.

5. "Project of regional significance," with respect to a project proposed by any person other than a public utility, means a project which:

(a) Has been identified in the guidelines of the regional planning commission as a project which will result in the loss or significant degradation of a designated historic, archeological, cultural or scenic resource;

(b) Has been identified in the guidelines of the regional planning commission as a project which will result in the creation of significant new geothermal or mining operations;

(c) Has been identified in the guidelines of the regional planning commission as a project which will have a significant effect on the natural resources, public services, public facilities or the adopted regional form of the region; or

(d) Will require a change in zoning, a special use permit, an amendment to a master plan, a tentative map or other approval for the use of land which, if approved, will have an effect on the region of increasing:

(1) Employment by not less than 938 employees;

(2) Housing by not less than 625 units;

(3) Hotel accommodations by not less than 625 rooms;

(4) Sewage by not less than 187,500 gallons per day;

(5) Water usage by not less than 625 acre feet per year; or

(6) Traffic by not less than an average of 6,250 trips daily.

The term does not include any project for which a request for an amendment to a master plan, a change in zoning, a tentative map or a special use permit has been approved by the local planning commission before June 17, 1989.

6. "Project of regional significance," with respect to a project proposed by a [public] utility, includes:

(a) An electric substation;

(b) A transmission line that carries 60 kilovolts or more;

(c) A facility that generates electricity greater than 5 megawatts;

(d) Natural gas storage and peak shaving facilities; and

(e) Gas regulator stations and mains that operate over 100 pounds per square inch.

7. "Sphere of influence" means an area into which a city plans to expand as designated in the comprehensive regional plan within the time designated in the comprehensive regional plan.

Sec. 267. NRS 278.0274 is hereby amended to read as follows:

278.0274 The comprehensive regional plan must include goals, policies, maps and other documents relating to:

1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population.

2. Conservation, including policies relating to the use and protection of air, land, water, and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.

3. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must allow for a variety of uses, describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses and must be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.

4. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and ground-water aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction, identify the providers of public services within the region and the area within which each must serve, including service territories set by the public [service] *utilities* commission of Nevada for public utilities, and must establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development.

5. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence"

means an area into which a political subdivision may expand in the foreseeable future.

6. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.

7. Any utility project required to be reported pursuant to NRS 278.145.

Sec. 268. NRS 278.0282 is hereby amended to read as follows:

278.0282 1. Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings held within 60 days after its receipt of that plan or amendment and determine whether the proposed plan or amendment conforms with the comprehensive regional plan. The commission shall specify those parts of the plan or amendment, if any, that are not in conformance and why they fail to conform.

2. Before the adoption or amendment of any master plan, facilities plan or other similar plan by a state agency or a public utility whose plan must be approved by the public [service] *utilities* commission of Nevada, the agency or utility shall submit the proposed plan or amendment to the regional planning commission, which shall, within 60 days after its receipt, review the plan or amendment and offer suggestions to the agency or utility regarding the conformance of the plan with the comprehensive regional plan.

3. Except as otherwise provided in NRS 278.028, a local governing body or any other affected entity shall not adopt a master plan, facilities plan or other similar plan, or any amendment to any of those plans, unless the regional planning commission has determined that the plan or amendment is in conformance with the comprehensive regional plan. A proposed plan is in conformance with the comprehensive regional plan if it is not in conflict with the comprehensive regional plan and it promotes the goals and policies of the comprehensive regional plan.

4. If the regional planning commission fails to make a determination within 60 days after its receipt from an affected entity or local governing body of a proposed plan or amendment pursuant to this section, the plan or amendment shall be deemed to be in conformance with the comprehensive regional plan.

5. An affected entity or a local governing body which has submitted a proposed plan and which disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section, may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional

planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

6. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision, which must be made by the affirmative votes of a simple majority of its total membership. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with those proposed revisions to the commission for review in accordance with the provisions of this section.

7. Any determination of conformance made by the commission pursuant to this section must be made by the affirmative votes of not less than two-thirds of its total membership.

Sec. 269. NRS 278.335 is hereby amended to read as follows:

278.335 1. A copy of the tentative map must be forwarded by the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body, to the division of water resources and the division of environmental protection of the state department of conservation and natural resources, and the health division of the department of human resources or the district board of health acting for the health division pursuant to subsection 2, for review.

2. In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the authority of the health division to review and certify proposed subdivisions and conduct construction or installation inspections must be exercised by the district board of health.

3. A district board of health which conducts reviews and inspections under this section shall consider all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities. At least four times annually, the district board of health shall notify the health division of the department of human resources which subdivisions met these requirements of law and have been certified by the district board of health.

4. The state is not chargeable with any expense incurred by a district board of health acting pursuant to this section.

5. Each reviewing agency shall, within 15 days [from] *after* the receipt of the tentative map, file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor.

6. The planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall, for informational purposes only, immediately forward a copy of the tentative map to the public [service] *utilities* commission of Nevada for any subdivision which will provide water or services for the disposal of sewage and is subject to the provisions of NRS 704.679. The public [service] *utilities* commission of Nevada shall acknowledge receipt of the tentative map within 15 days after it is received.

Sec. 270. NRS 281.100 is hereby amended to read as follows:

281.100 1. Except as otherwise provided in this section and NRS 284.180, the services and employment of all persons who are employed by the State of Nevada, or by any county, city, town, township or other political subdivision thereof, are limited to not more than 8 hours in any 1 calendar day and not more than 40 hours in any 1 week.

2. The period of daily employment mentioned in this section commences from the time the employee takes charge of any equipment of the employer or acts as an assistant or helper to a person who is in charge of any equipment of the employer, or enters upon or into any conveyance of or operated by or for the employer at any camp or living quarters provided by the employer for the transportation of employees to the place of work.

3. This section does not apply to:

(a) Officials of the State of Nevada or of any county, city, town, township or other political subdivision thereof, or employees of the state whose employment is governed by NRS 284.148.

(b) Employees of the State of Nevada or of any county, city, town, township or other political subdivision thereof who:

(1) Are engaged as employees of a fire department, or to nurses in training or working in hospitals, or to police, deputy sheriffs or jailers;

(2) Chose and are approved for a variable workday or variable 80-hour work schedules within a biweekly pay period;

(3) Work more than 8 hours but not more than 10 hours in any 1 workday or 40 hours in any 1 work week;

(4) Are executive, administrative, professional or supervisory employees; or

(5) Are covered by a collective bargaining agreement which establishes hours of service.

(c) Employees of the legislative counsel bureau.

(d) Work done directly by any public utility company pursuant to an order of the public [service] *utilities* commission of Nevada or other public authority.

4. Any employee whose hours are limited by subsection 1 may be permitted, or in case of emergency where life or property is in imminent danger may be required, at the discretion of the officer responsible for his

employment, but subject to any agreement made pursuant to NRS 284.181, to work more than the number of hours limited. If so permitted or required, he is entitled to receive, at the discretion of the responsible officer:

(a) Compensatory vacation time; or

(b) Overtime pay.

5. Any officer or agent of the State of Nevada, or of any county, city, town, township, or other political subdivision thereof, whose duty it is to employ, direct or control the services of an employee covered by this section, who violates any of the provisions of this section as to the hours of employment of labor as provided in this section, is guilty of a misdemeanor.

Sec. 271. NRS 281.236 is hereby amended to read as follows:

281.236 1. A public utility or parent organization or subsidiary of a public utility shall not employ a former member of the public [service] *utilities* commission of Nevada for 1 year after the termination of his service on the commission.

2. A person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada gaming commission pursuant to chapter 463 of NRS shall not employ a former member of the state gaming control board or the Nevada gaming commission for 1 year after the termination of the member's service on the board or commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, a business or industry whose activities are governed by regulations adopted by a department, division or other agency of the executive branch of government shall not, except as otherwise provided in subsection 4, employ a former public officer or employee of the agency, except a clerical employee, for 1 year after the termination of his service or period of employment if:

(a) His principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year he directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ him; or

(c) As a result of his governmental service or employment, he possesses knowledge of the trade secrets of a direct business competitor.

4. A public officer or employee may request the commission on ethics to apply the relevant facts in his case to the provisions of subsection 3 and determine whether relief from the strict application of the provisions is proper. If the commission on ethics determines that relief from the strict application of the provisions of subsection 3 is not contrary to:

(a) The best interests of the public;

(b) The continued integrity of state government; and

(c) The code of ethical standards prescribed in NRS 281.481,

it may issue an order to that effect and grant such relief. The decision of the commission on ethics in such a case is subject to judicial review.

5. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038.

Sec. 272. NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the public [service] *utilities* commission of Nevada *or the transportation services authority* whom it designates as an inspector or as manager of transportation is a peace officer and has police power for the enforcement of the provisions of:

1. Chapters 704, 705 and 706 of NRS and all regulations of the *public utilities* commission *, the transportation services authority* or the department of motor vehicles and public safety pertaining thereto; and

2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.

Sec. 273. NRS 309.415 is hereby amended to read as follows:

309.415 1. In exercising powers primarily relating to the fulfillment of water purposes or sewer purposes, or both, districts heretofore or hereafter organized under this chapter shall not be subject to regulation or supervision in any way by the public [service] *utilities* commission of Nevada.

2. Nothing contained in subsection 1 shall be construed to limit:

(a) The power of the board of county commissioners or a member thereof granted by the provisions of NRS 309.270; or

(b) The supremacy of the state board of health in health matters as declared in NRS 439.150.

Sec. 274. NRS 338.135 is hereby amended to read as follows:

338.135 [Where] a truck or truck and trailer combination is rented or leased after April 22, 1969, by a contractor or subcontractor on a public work, the hourly rate for the rental or lease of such truck or truck and trailer combination [shall,] *must,* when added to the prevailing rate of wages required by NRS 338.020 for the driver, not be less than the hourly rate for similar vehicles with a driver as such hourly rate appears in freight tariffs approved by the [public service commission of Nevada] *transportation services authority* for the area in which the public work is located.

Sec. 275. NRS 354.59881 is hereby amended to read as follows:

354.59881 As used in NRS 354.59881 to 354.59889, inclusive, unless the context otherwise requires:

1. "Customer" does not include any customer of a provider of a telecommunication service other than a retail customer.

2. "Fee" means a charge imposed upon a public utility for a business license, a franchise or a right of way over streets or other public areas, except any paid pursuant to the provisions of NRS 709.110, 709.230 or 709.270.

3. "Jurisdiction" means:

(a) In the case of a city, the corporate limits of the city.

(b) In the case of a county, the unincorporated area of the county.

4. "Public utility" means a person or local government that provides:

(a) Electric energy or gas, whether or not the person or local government is subject to regulation by the public [service] *utilities* commission of Nevada;

(b) A telecommunication service, if the person or local government holds a certificate of public convenience and necessity issued by the public [service] *utilities* commission of Nevada and derives intrastate revenue from the provision of that service to retail customers; or

(c) A commercial mobile radio service as that term is defined in 47 C.F.R. § 20.3 on July 5, 1995.

5. "Revenue" does not include:

(a) Any proceeds from the interstate sale of natural gas to a provider of electric energy which holds a certificate of public convenience and necessity issued by the public [service] *utilities* commission of Nevada.

(b) Any revenue of a provider of a telecommunication service other than intrastate revenue.

Sec. 276. NRS 354.59883 is hereby amended to read as follows:

354.59883 A city or county shall not adopt an ordinance imposing or increasing a fee:

1. If that ordinance would alter the terms of any existing franchise agreement between the city or county and a public utility.

2. That applies to any public utility which does not derive revenue from customers located within the jurisdiction of the city or county.

3. If, after the adoption of the ordinance:

(a) Any part of a fee to which the ordinance applies will be based upon any revenue of a public utility other than its revenue from customers located within the jurisdiction of the city or county.

(b) The total *cumulative* amount of all fees the city or county imposes upon a public utility to which the ordinance applies will exceed:

(1) Except as otherwise provided in subparagraph (2), 5 percent of the utility's gross revenue from customers located within the jurisdiction of the city or county.

(2) For a public utility that provides a commercial mobile radio service, 5 percent of its gross revenue from the first $15 charged monthly for each line of access for each of its customers located within the jurisdiction of the city or county. For the purposes of this subparagraph, "commercial mobile radio service" has the meaning ascribed to it in Part 20 of Title 47 of the Code of Federal Regulations.

Sec. 277. NRS 354.59889 is hereby amended to read as follows:

354.59889 [Except as otherwise provided by agreement with all the affected public utilities:]

1. A city or county shall not change any of its fees except through the adoption of an ordinance which provides that the change does not become effective until at least 60 days after the effective date of the ordinance.

2. The cumulative amount of any increases in fees imposed by a city or county during any period of 24 months must not exceed 1 percent of the gross revenue of any public utility to which the increase applies from customers located within the jurisdiction of that city or county.

Sec. 278. NRS 361.320 is hereby amended to read as follows:

361.320 1. At the regular session of the Nevada tax commission commencing on the [1st] *first* Monday in October of each year, the Nevada tax commission shall establish the valuation for assessment purposes of any property of an interstate and intercounty nature, which must in any event include the property of all interstate or intercounty railroad, sleeping car, private car, street railway, traction, telegraph, water, telephone, air transport, electric light and power companies, together with their franchises, and the property and franchises of all railway express companies operating on any common or contract carrier in this state. This valuation must not include the value of vehicles as defined in NRS 371.020.

2. Except as otherwise provided in subsection 3 and NRS 361.323, the commission shall establish and fix the valuation of the franchise, if any, and all physical property used directly in the operation of any such business of any such company in this state, as a collective unit. If the company is operating in more than one county, on establishing the unit valuation for the collective property, the commission shall then determine the total aggregate mileage operated within the state and within its several counties, and apportion the mileage upon a mile-unit valuation basis. The number of miles apportioned to any county are subject to assessment in that county according to the mile-unit valuation established by the commission.

3. After establishing the valuation, as a collective unit, of a public utility which generates, transmits or distributes electricity, the commission shall segregate the value of any project in this state for the generation of electricity which is not yet put to use. This value must be assessed in the county where the project is located and must be taxed at the same rate as other property.

4. The Nevada tax commission shall adopt formulas, and cause them to be incorporated in its records, providing the method or methods pursued in fixing and establishing the taxable value of all franchises and property assessed by it. The formulas must be adopted and may be changed from time to time upon its own motion or when made necessary by judicial decisions, but the formulas must in any event show all the elements of value considered by the commission in arriving at and fixing the value for any class of property assessed by it. These formulas must take into account, as indicators of value, the company's income, stock and debt, and the cost of its assets.

5. *If two or more persons perform separate functions that collectively are needed to deliver electric service to the final customer and the property used in performing the functions would be centrally assessed if owned by one person, the Nevada tax commission shall establish its valuation and apportion the valuation among the several counties in the same manner as the valuation of other centrally assessed property. The Nevada tax commission shall determine the proportion of the tax levied upon the property by each county according to the valuation of the contribution of each person to the aggregate valuation of the property. This subsection does not apply to qualified facilities, as defined in 18 C.F.R. § 292.101, which were constructed before July 1, 1997.*

6. As used in this section , [the word] "company" means any person, company, corporation or association engaged in the business described.

[6.] *7.* All other property must be assessed by the county assessors, except as *otherwise* provided in NRS 361.321 and 362.100 and except that the valuation of land and mobile homes must be established for assessment purposes by the Nevada tax commission as provided in NRS 361.325.

[7.] *8.* On or before November 1 of each year , the department shall forward a tax statement to each private car line company based on the valuation established pursuant to this section and in accordance with the tax levies of the several districts in each county. The company shall remit the ad valorem taxes due on or before December 15 to the department which shall allocate the taxes due each county on a mile-unit basis and remit the taxes to the counties no later than January 31. The portion of the taxes which is due the state must be transmitted directly to the state treasurer. A company which fails to pay the tax within the time required shall pay a penalty of 10 percent of the tax due or $5,000, whichever is greater, in addition to the tax. Any amount paid as a penalty must be deposited in the state general fund. The department may, for good cause shown, waive the payment of a penalty pursuant to this subsection. As an alternative to any other method of recovering delinquent taxes provided by this chapter, the attorney general may bring a civil action in a court of competent jurisdiction to recover delinquent taxes due [under] *pursuant to* this subsection in the manner provided in NRS 361.560.

Sec. 279. NRS 361B.170 is hereby amended to read as follows:

361B.170 1. Except as *otherwise* provided in subsections 2 and 3, the governing body, on the behalf and in the name of the municipality, may at any time designate a tax increment area comprising any specially benefited zone within the municipality designated and approved under chapter 274 of NRS, for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of the acquisition, improvement or equipment, or any combination thereof, of a project or projects authorized in the County Bond Law or the City Bond Law, including , without

limitation, the condemnation of property for any such undertaking, as supplemented by the Local Government Securities Law, except as otherwise provided in this chapter.

2. The right of way property of a railroad company which is under the jurisdiction of the [Interstate Commerce Commission] *Surface Transportation Board* must not be included in a tax increment area unless the inclusion of the property is mutually agreed upon by the governing body and the railroad company.

3. The taxable property of a tax increment area must not be included in any subsequently created tax increment area until at least 50 years after the effective date of creation of the first tax increment area in which the property was included.

Sec. 280. NRS 362.120 is hereby amended to read as follows:

362.120 1. The department shall, from the statement and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the period covered by the statement.

2. The gross yield must include the value of any mineral extracted which was:

(a) Sold;

(b) Exchanged for any thing or service;

(c) Removed from the state in a form ready for use or sale; or

(d) Used in a manufacturing process or in providing a service,

during the period covered by the statement.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:

(a) The actual cost of extracting the mineral.

(b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(c) The actual cost of reduction, refining and sale.

(d) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(e) The actual cost of maintenance and repairs of:

(1) All machinery, equipment, apparatus and facilities used in the mine.

(2) All milling, refining, smelting and reduction works, plants and facilities.

(3) All facilities and equipment for transportation except those that are under the jurisdiction of the public [service] *utilities* commission of Nevada [as public utilities.] *or the transportation services authority.*

(f) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e).

(g) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph

(e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada tax commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.

(h) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(i) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.

(j) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(k) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee , or both.

4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.

5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the department on forms provided by the department.

6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:

(a) The working of the mine;

(b) The operating of the mill, smelter or reduction works;

(c) The operating of the facilities or equipment for transportation;

(d) Superintending the management of any of those operations; or

(e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations.

Sec. 281. NRS 373.117 is hereby amended to read as follows:

373.117 1. A regional transportation commission may establish or operate a public transit system consisting of regular routes and fixed schedules to serve the public.

2. A regional transportation commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 400,000, such a system may also provide service which includes:

(a) Minor deviations from regular routes and fixed schedules on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the [public service commission of Nevada] *transportation services authority* pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the [public service commission] *transportation services authority* for a fully regulated carrier.

4. As used in this section:

(a) "Fully regulated carrier" means a common carrier or contract carrier of passengers or household goods who is required to obtain from the [public service commission of Nevada] *transportation services authority* a certificate of public convenience and necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the [commission.] *transportation services authority.*

(b) "Public transit system" means a system employing motor buses, rails or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

Sec. 282. NRS 377A.140 is hereby amended to read as follows:

377A.140 1. Except as otherwise provided in subsection 2, a public transit system in a county whose population is 400,000 or more may, in addition to providing local transportation within the county and the services described in NRS 377A.130, provide:

(a) Programs to reduce or manage motor vehicle traffic; and

(b) Any other services for public mass transportation which are requested by the general public,

if those additional services are included and described in a long-range plan adopted pursuant to 23 U.S.C. § 134 and 49 U.S.C. § 5303.

2. Before a regional transportation commission may provide for on-call public mass transportation in an area of the county, the commission must receive a determination from the [public service commission of Nevada and the taxicab] *transportation services* authority that:

(a) There are no common motor carriers of passengers who are authorized to provide on-call operations for transporting passengers in that area; or

(b) Although there are common motor carriers of passengers who are authorized to provide on-call operations for transporting passengers in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, those operations.

3. As used in this section:

(a) "Common motor carrier of passengers" has the meaning ascribed to it in NRS 706.041.

(b) "On-call public mass transportation" means a system established to transport by vehicle passengers who request such transportation on demand.

Sec. 283. NRS 392.330 is hereby amended to read as follows:

392.330 1. In addition to the purposes authorized by NRS 392.320, a board of trustees may use transportation funds of the school district for arranging and paying for transportation by motor vehicles or otherwise, by contract or such other arrangement as the board finds most economical, expedient and feasible and for the best interests of the school district.

2. Such transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company [, bus company, or other licensed common carrier] holding a certificate of public convenience and necessity issued by the public [service] *utilities* commission of Nevada [.] *or bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the transportation services authority.*

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils [shall] *must* be insured in the amount required by regulation of the state board of education against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 284. NRS 405.195 is hereby amended to read as follows:

405.195 1. Five or more residents of this state may petition any board of county commissioners to open, reopen, close, relocate or abandon a public road within the county. The petition must be accompanied by proof of the petitioners' residency and adequate maps and documentation to justify a hearing on the petition. Upon receipt of such a petition and the required documentation, the board of county commissioners shall set a date to conduct a public hearing on the petition. The date selected must not be earlier than 30 days, nor later than 45 days, after the petition is submitted. In addition to any other notice required by law or ordinance, the board shall cause notice of the time, date and location of the hearing to be published at least once each week for 2 successive weeks in a newspaper of general circulation in the county.

2. Upon conclusion of the public hearing, the board shall determine whether the road in question has acquired the status of a public road because:

(a) Construction of the improvement occurred while the land was unappropriated, unreserved public land;

(b) The improvement was constructed by mechanical means which made the physical change to the natural area necessary for the customary or usual passage of traffic; and

(c) The right of way was:

(1) Accepted by the state or local government for dedication as a road for public use and thereafter the road was used by the public at large; or

(2) Accepted by use as access to a mining claim or other privately owned property.

3. If the board concludes that the road is a public road, the board may order the public road to be opened, reopened, closed, relocated or abandoned, for all or part of the year. The board's decision must be based on specific findings, including, but not limited to:

(a) The resulting benefit to the general public;

(b) Whether any significant impairment of the environment or natural resources will result; and

(c) Whether the decision will result in a significant reduction in the value of public or private property.

The order of the board must be reduced to writing, including a statement of any actions which must be taken to effectuate the decision and the person to whom each such action has been assigned. If possible, the order must be signed by any person who has agreed to take a specific action to effectuate the board's decision. The lack of such a signature does not invalidate the order.

4. If the order of the board is to close or abandon a public road, the board shall, upon the petition of five or more residents of the state, designate and provide an alternate route serving the same area. The closure or abandonment of a public road by the board does not prohibit or restrict the use of that road by a governmental agency or a public utility regulated by the public [service] *utilities* commission of Nevada for the maintenance, construction or operation of a facility of the agency or utility.

5. Any person or governmental agency may bring and maintain an action in the district court of the county in which the public road lies to prevent any person, including a public agency, from violating an order issued pursuant to subsection 3.

6. The attorney general may bring and maintain an action in any court or before any federal agency if an agency or instrumentality of the Federal Government denies the use of a public road located on public land in this state.

7. Nothing in this section affects the right of the department of transportation to regulate freeways or highways in this state.

Sec. 285. NRS 405.201 is hereby amended to read as follows:

405.201 As used in NRS 405.201 to 405.204, inclusive, unless the context otherwise requires:

1. "Accessory road" means any way established over public lands between 1866 and 1976 pursuant to section 8 of chapter 262, 14 [Statutes 253 (] *Stats. 253 (1866),* former 43 U.S.C. § 932 , [)] as to which general

public use or enjoyment before 1976 is not established, but which provides access to privately owned land.

2. "Public utility" means any public utility, as that term is defined in NRS 704.020, that is subject to the jurisdiction of the public [service] *utilities* commission of Nevada.

Sec. 286. NRS 445A.535 is hereby amended to read as follows:

445A.535 Any public utility subject to the jurisdiction of the public [service] *utilities* commission of Nevada which is providing sewerage on June 7, 1979, is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive.

Sec. 287. NRS 445A.540 is hereby amended to read as follows:

445A.540 A permit to discharge water from a package plant for sewage treatment may not be issued unless all of the following conditions are met:

1. Neither of the following is available:

(a) Sewerage provided by a public utility; or

(b) Sewerage provided by a municipality or other public entity.

2. The applicant fully complies with all of the conditions of NRS 445A.465 to 445A.515, inclusive.

3. The local governing body assumes:

(a) Responsibility in case of default by the builder or developer for the continued operation and maintenance of the plant in accordance with all of the terms and conditions of the permit.

(b) The duty of assessing the lands served as provided in subsection 5.

4. The applicant furnishes the local governing body sufficient surety in the form of a bond, certificate of deposit, investment certificate or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the plant:

(a) For 5 years following the date the plant is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the plant are sold, whichever is later.

5. The owners of the lands to be served by the package plant for sewage treatment record a declaration of covenants, conditions and restrictions, which is an equitable servitude running with the land and which must provide that each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of continued operation and maintenance of the plant if there is a default by the applicant or operator of the plant and a sufficient surety, as provided in subsection 4, is not available.

6. The declaration of covenants, conditions and restrictions recorded by the owners further provides that if the local governing body determines that:

(a) The plant is not satisfactorily serving the needs of its users; and

(b) Sewerage provided by a public utility or a municipality or other public entity is reasonably available,

the local governing body may require all users of a package plant for sewage treatment to connect into the available sewers provided by a [public] utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of connecting into those sewers. These assessments are not subject to the jurisdiction of the public [service] *utilities* commission of Nevada.

7. Provision has been made for disposition of the plant and the land on which it is situated after the local governing body requires all users to connect into available sewers provided by a public utility or a municipality or other public entity.

Sec. 288. NRS 445A.860 is hereby amended to read as follows:

445A.860 In addition to the regulations required to be adopted pursuant to NRS 445A.880, the state board of health:

1. Shall adopt regulations establishing procedures for a system of permits to operate water systems which are constructed on or after July 1, 1991.

2. May adopt such other regulations as may be necessary to govern the construction, operation and maintenance of public water systems if those activities affect the quality of water, but the regulations do not supersede any regulation of the public [service] *utilities* commission of Nevada.

3. May establish by regulation a system for the issuance of operating permits for suppliers of water and set a reasonable date after which a person shall not operate a public water system constructed before July 1, 1991, without possessing a permit issued by a health authority.

Sec. 289. NRS 445A.890 is hereby amended to read as follows:

445A.890 Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the state board of health shall request comments from the:

1. Public [service] *utilities* commission of Nevada;

2. State engineer;

3. Local government within whose jurisdiction the water system is located; and

4. Owner of the water system.

Sec. 290. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.

2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.

3. The local governing body assumes:

(a) Responsibility in case of default by the builder or developer of the water system for its continued operation and maintenance in accordance with all of the terms and conditions of the permit.

(b) The duty of assessing the lands served as provided in subsection 5.

4. The applicant furnishes the local governing body sufficient surety in the form of a bond, certificate of deposit, investment certificate or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold, whichever is later.

5. The owners of the lands to be served by the water system record a declaration of covenants, conditions and restrictions, which is an equitable servitude running with the land and which must provide that each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of continued operation and maintenance of the water system if there is a default by the applicant or operator of the water system and a sufficient surety, as provided in subsection 4, is not available.

6. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

7. The declaration of covenants, conditions and restrictions recorded by the owners of the lands further provides that if the state board of health determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available,

the local governing body may, pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the public [service] *utilities* commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

8. Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 291. NRS 445A.900 is hereby amended to read as follows:

445A.900 No lien for the assessments provided by the covenants, conditions and restrictions described in NRS 445A.895 is binding upon the property until:

1. The local governing body, after a hearing, establishes the costs and apportions them to each lot or parcel; or

2. The public [service] *utilities* commission of Nevada determines the amount of the assessments,

and the local governing body records a notice of lien in the office of the county recorder in the county in which the property is located.

Sec. 292. NRS 445A.935 is hereby amended to read as follows:

445A.935 1. A supplier of water may apply to the state board of health for a variance or exemption from the board's regulations. The board may grant variances or exemptions after notice and public hearing.

2. A supplier of water shall notify all users of the water system as soon as the board has scheduled a time and place for the public hearing on the application for a variance or exemption.

3. The public [service] *utilities* commission of Nevada may participate in the hearing.

Sec. 293. NRS 445B.200 is hereby amended to read as follows:

445B.200 1. The state environmental commission is hereby created in the state department of conservation and natural resources. The commission consists of:

(a) The administrator of the division of wildlife of the department;

(b) The state forester firewarden;

(c) The state engineer;

(d) The administrator of the division of agriculture of the department of business and industry;

(e) The administrator of the division of minerals of the department of business and industry;

(f) A member of the state board of health to be designated by that board; and

(g) Five members appointed by the governor, one of whom is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS and one of whom possesses expertise in performing mining reclamation.

2. The governor shall appoint the chairman of the commission from among the members.

3. A majority of the members constitutes a quorum and a majority of those present must concur in any decision.

4. Each member who is appointed by the governor is entitled to receive a salary of not more than $80, as fixed by the commission, for each day's attendance at a meeting of the commission.

5. While engaged in the business of the commission, each member and employee of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Any person who receives or has during the previous 2 years received a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445A.300 to 445A.730, inclusive, is disqualified from serving as a member of the commission. This subsection does not apply to any person who receives or has received during the previous 2 years, a significant portion of his income from any department or agency of state government which is a holder of or an applicant for a permit required by NRS 445A.300 to 445A.730, inclusive.

7. The state department of conservation and natural resources shall provide technical advice, support and assistance to the commission. All state officers, departments, commissions and agencies, including the department of transportation, the department of human resources, the University and Community College System of Nevada, the state public works board, the department of motor vehicles and public safety, the public [service] *utilities* commission of Nevada , *the transportation services authority* and the division of agriculture of the department of business and industry may also provide technical advice, support and assistance to the commission.

Sec. 294. NRS 445B.500 is hereby amended to read as follows:

445B.500 1. Except as otherwise provided in this section and in NRS 445B.310:

(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.

(b) The program must:

(1) Include standards for the control of emissions, emergency procedures and variance procedures established by ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation; and

(2) Provide for adequate administration, enforcement, financing and staff.

(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and the federal act insofar as it pertains to local programs, and that agency is authorized to take all action necessary to secure for the county the benefits of the federal act.

(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.450, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are

binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.

2. The local air pollution control board shall carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks. The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.

3. In a county whose population is 400,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted pursuant to those sections. If such a delegation is made, 17.5 percent of any penalty collected must be deposited in the county treasury in an account to be administered by the local air pollution control board to a maximum of $17,500 per year. The money in the account may only be used to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive. The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred.

4. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the state, or may establish its own program for the control of air pollution. If the county establishes such a program, it is subject to the approval of the commission.

5. No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to the control of emissions from plants which generate electricity by using steam produced by the burning of fossil fuel.

6. For the purposes of this section, "plants which generate electricity by using steam produced by the burning of fossil fuel" means plants that burn fossil fuels in a boiler to produce steam for the production of electricity. The term does not include any plant which uses technology for a simple or combined cycle combustion turbine, regardless of whether the plants include duct burners.

Sec. 295. NRS 455.160 is hereby amended to read as follows:

455.160 1. A commissioner of the public [service] *utilities* commission of Nevada or the district attorney of a county or the city attorney of a city in which there is an excavation or demolition or a proposed excavation or

demolition which he believes may cause death, serious physical harm or serious property damage may file a complaint in the district court for the county seeking to enjoin the activity or practice of an operator or a person who is responsible for the excavation or demolition.

2. Upon the filing of a complaint pursuant to subsection 1, the court may issue a temporary restraining order before holding an evidentiary hearing. A temporary restraining order may be issued for no longer than 5 days.

Sec. 296. NRS 455.170 is hereby amended to read as follows:

455.170 1. An action for the enforcement of a civil penalty pursuant to this section may be brought before the public [service] *utilities* commission of Nevada by the attorney general, a district attorney, a city attorney, legal counsel for the public [service] *utilities* commission of Nevada, the governmental agency that issued the permit to conduct an excavation or demolition, an operator or a person conducting an excavation or demolition.

2. Any person who willfully or repeatedly violates a provision of NRS 455.080 to 455.180, inclusive, is liable for a civil penalty:

(a) Not to exceed $1,000 per day for each violation; and

(b) Not to exceed $100,000 for any related series of violations within a calendar year.

3. Any person who negligently violates any such provision is liable for a civil penalty:

(a) Not to exceed $200 per day for each violation; and

(b) Not to exceed $1,000 for any related series of violations within a calendar year.

4. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty must be determined by the public [service] *utilities* commission of Nevada upon receipt of a complaint by the attorney general, an employee of the public [service] *utilities* commission of Nevada who is engaged in regulatory operations, a district attorney, a city attorney, the agency that issued the permit to excavate or the operator or the person responsible for the excavation or demolition.

5. In determining the amount of the penalty or the amount agreed upon in a settlement or compromise, the public [service] *utilities* commission of Nevada shall consider:

(a) The gravity of the violation;

(b) The good faith of the person charged with the violation in attempting to comply with the provisions of NRS 455.080 to 455.180, inclusive, before and after notification of a violation; and

(c) Any history of previous violations of those provisions by the person charged with the violation.

6. A civil penalty recovered pursuant to this section must first be paid to reimburse the person who initiated the action for any cost incurred in prosecuting the matter.

7. Any person aggrieved by a determination of the public [service] *utilities* commission of Nevada pursuant to this section may seek judicial review of the determination in the manner provided by NRS 233B.130 to 233B.150, inclusive.

Sec. 297. NRS 455.250 is hereby amended to read as follows:

455.250 1. An action for the enforcement of a civil penalty pursuant to this section may be brought before the public [service] *utilities* commission of Nevada by the attorney general, a district attorney, a city attorney or legal counsel for the public [service] *utilities* commission of Nevada.

2. Any person who violates a provision of NRS 455.200 to 455.240, inclusive, is liable for a civil penalty not to exceed $1,000 per day for each violation.

3. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty must be determined by the public [service] *utilities* commission of Nevada upon receipt of a complaint by the attorney general, an employee of the public [service] *utilities* commission of Nevada who is engaged in regulatory operations, a district attorney or a city attorney.

4. In determining the amount of the penalty or the amount agreed upon in a settlement or compromise, the public [service] *utilities* commission of Nevada shall consider:

(a) The gravity of the violation;

(b) The good faith of the person charged with the violation in attempting to comply with the provisions of NRS 455.200 to 455.240, inclusive, before and after notification of a violation; and

(c) Any history of previous violations of those provisions by the person charged with the violation.

5. A civil penalty recovered pursuant to this section must first be paid to reimburse the person who initiated the action for any cost incurred in prosecuting the matter. Any amount remaining after such reimbursement must be deposited in the state general fund.

6. Any person aggrieved by a determination of the public [service] *utilities* commission of Nevada pursuant to this section may seek judicial review of the determination in the manner provided by NRS 233B.130 to 233B.150, inclusive.

Sec. 298. NRS 459.250 is hereby amended to read as follows:

459.250 1. Peace officers of the [public service commission of Nevada and the] Nevada highway patrol shall enforce those provisions of NRS 459.221, 459.707 and 459.708 which govern the transport and handling of radioactive waste as they affect the safety of drivers or vehicles, the leakage

or spill of radioactive waste from its package or the emission of ionizing radiation in an unsafe amount as established by the regulations of the state board of health.

2. The peace officer may:

(a) Impound a vehicle with unsafe equipment; or

(b) Detain a vehicle, if any waste has leaked or spilled from its package or if he has detected the emission of ionizing radiation in an unsafe amount, and order the driver of the vehicle to park it in a safe place, as determined by an officer designated by the health division of the department of human resources, pending remedial action by that division.

3. After a vehicle has been so detained, an officer designated by the health division of the department of human resources may order:

(a) The vehicle to be impounded;

(b) The leaked or spilled waste to be cleaned up;

(c) The contents of any unsafe or leaking package to be repackaged; or

(d) Any other appropriate precaution or remedy,

at the expense of the shipper or broker, carrier or other person who is responsible as determined by the health division of the department of human resources.

Sec. 299. NRS 459.500 is hereby amended to read as follows:

459.500 1. Except as otherwise provided in NRS 459.700 to 459.780, inclusive, or 459.800 to 459.856, inclusive:

(a) Regulations of the commission must provide:

(1) For safety in packaging, handling, transportation and disposal of hazardous waste, including safety of vehicles and drivers;

(2) For the certification of consultants involved in consultation regarding the response to and the clean up of leaks of hazardous waste, hazardous material or a regulated substance from underground storage tanks, the clean up of spills of or accidents involving hazardous waste, hazardous material or a regulated substance, or the management of hazardous waste; and

(3) That a person employed full time by a business to act as such a consultant is exempt from the requirements of certification:

(I) If he is certified by the federal Occupational Safety and Health Administration to manage such waste, materials or substances; and

(II) While acting in the course of that full-time employment.

(b) Regulations of the commission may:

(1) Provide for the licensing and other necessary regulation of generators, including shippers, brokers and carriers, both intrastate and interstate, who cause that waste to be transported into or through Nevada or for disposal in Nevada;

(2) Require that the person responsible for a spill, leak or accident involving hazardous waste, hazardous material or a regulated substance,

obtain advice on the proper handling of the spill, leak or accident from a consultant certified under the regulations adopted pursuant to subsection 1; and

(3) Establish standards relating to the education, experience, performance and financial responsibility required for the certification of consultants.

2. The regulations may include provisions for:

(a) Fees to pay the cost of inspection, certification and other regulation; and

(b) Administrative penalties of not more than $2,500 per violation or $10,000 per shipment for violations by persons licensed by the department, and the criminal prosecution of violations of its regulations by persons who are not licensed by the department.

3. Designated employees of the department [, the public service commission of Nevada] and the Nevada highway patrol shall enforce the regulations of the commission relating to the transport and handling of hazardous waste, as they affect the safety of drivers and vehicles and the leakage or spill of that waste from packages.

Sec. 300. NRS 459.512 is hereby amended to read as follows:

459.512 1. The owner or operator of a facility for the management of hazardous waste shall, in addition to any other applicable fees, pay to the department to offset partially the cost incurred by the state fire marshal for training emergency personnel who respond to the scene of accidents involving hazardous materials a fee of $4.50 per ton of the volume received for the disposal of hazardous waste by the facility.

2. The owner or operator of a facility for the management of hazardous waste shall, in addition to any other applicable fees, pay to the department to offset partially the cost incurred by the public [service] *utilities* commission of Nevada for inspecting and otherwise ensuring the safety of any shipment of hazardous materials transported by rail car through or within this state a fee of $1.50 per ton of the volume received for the disposal of hazardous waste by the facility.

3. The operator of such a facility shall pay the fees provided in this section, based upon the volume of hazardous waste received by the facility during each quarter of the calendar year, within 30 days after the end of each quarter. The department may assess and collect a penalty of 2 percent of the unpaid balance for each month, or portion thereof, that the fee remains due.

Sec. 301. NRS 459.535 is hereby amended to read as follows:

459.535 1. Except as otherwise provided in NRS 459.537 and subsection 2 of this section, the money in the account for the management of hazardous waste may be expended only to pay the costs of:

(a) The continuing observation or other management of hazardous waste;

(b) Establishing and maintaining a program of certification of consultants involved in the clean up of leaks of hazardous waste, hazardous material or a regulated substance from underground storage tanks or the clean up of spills of or accidents involving hazardous waste, hazardous material or a regulated substance;

(c) Training persons to respond to accidents or other emergencies related to hazardous materials, including any basic training by the state fire marshal which is necessary to prepare personnel for advanced training related to hazardous materials;

(d) Establishing and maintaining a program by the public [service] *utilities* commission of Nevada to inspect and otherwise ensure the safety of any shipment of hazardous materials transported by rail car through or within the state; and

(e) Financial incentives and grants made in furtherance of the program developed pursuant to paragraph (c) of subsection 2 of NRS 459.485 for the minimization, recycling and reuse of hazardous waste.

2. Money in the account for the management of hazardous waste may be expended to provide matching money required as a condition of any federal grant for the purposes of NRS 459.800 to 459.856, inclusive.

Sec. 302. NRS 459.707 is hereby amended to read as follows:

459.707 1. The division shall not issue to any common, contract or private motor carrier of property who is seeking to transport radioactive waste upon the highways of this state a permit required pursuant to NRS 459.705 without first obtaining the approval of the [public service commission of Nevada.] *department.*

2. The [public service commission of Nevada] *department* shall not approve the issuance of such a permit unless it determines that the carrier transporting the waste complies and will continue to comply with all laws and regulations of this state and the Federal Government respecting the handling and transport of radioactive waste and the safety of drivers and vehicles.

3. The division shall revoke a permit to transport radioactive waste issued pursuant to NRS 459.705 if it finds that, while transporting radioactive waste, the carrier has failed to comply with any laws or regulations of this state or the Federal Government respecting the handling or transport of radioactive waste and the safety of drivers or vehicles.

4. The division shall notify the [public service commission of Nevada] *transportation services authority* upon receiving information that, while transporting radioactive waste, a carrier has failed to comply with any laws or regulations of this state or the Federal Government respecting the handling or transport of radioactive waste and the safety of drivers or vehicles. Upon being notified, the [public service commission of Nevada] *transportation services authority* may:

(a) Revoke a certificate issued pursuant to chapter 706 of NRS; or

(b) In the case of a carrier whose certificate is issued by the [Interstate Commerce Commission,] *Surface Transportation Board,* file a complaint with that commission.

Sec. 303. NRS 459A.010 is hereby amended to read as follows:

459A.010 As used in this chapter, "public utility" means any person who furnishes electricity to other persons. The term includes municipal utilities but does not include persons who furnish electricity only in emergencies or persons described in subsection [6] *4* of NRS 704.030.

Sec. 304. NRS 481.051 is hereby amended to read as follows:

481.051 1. The director shall direct and supervise all administrative and technical activities of the department. He shall devote his entire time to the duties of his office, and shall not follow other gainful employment or occupation.

2. The director may organize the department into various divisions, alter the organization and reassign responsibilities and duties as he deems appropriate.

3. The director shall:

(a) Formulate the policy of the department and the various divisions thereof.

(b) Coordinate the activities of the various divisions of the department.

(c) Adopt such regulations consistent with law as he deems necessary for the operation of the department and the enforcement of all laws administered by the department.

4. The director may appoint vendors to serve as agents of the department to sell temporary permits. The vendor shall collect the fees for the permits issued pursuant to chapter 706 of NRS, and pay them to the department. The vendor shall guarantee payment by giving a bond in an amount not less than $25,000, executed by the vendor as principal, and by a corporation qualified pursuant to the laws of this state as surety, payable to the State of Nevada. In lieu of a bond, the vendor may deposit with the state treasurer a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is not available for withdrawal except upon order of the director. The director may appoint inspectors of the [public service commission of Nevada] *transportation services authority* and personnel of the Nevada highway patrol to serve without remuneration as vendors for the purposes of this subsection.

5. The director may delegate to the officers and employees of the department such authorities and responsibilities not otherwise delegated by law as he deems necessary for the efficient conduct of the business of the department.

Sec. 305. NRS 481.053 is hereby amended to read as follows:

481.053 1. The governor shall appoint the peace officers' standards and training committee.

2. The committee consists of seven members, one appointed from Clark County, one from Washoe County, three from any other counties, one from category II peace officers and one from category III peace officers. Members serve terms of 2 years from the date of appointment. Members serve without compensation but are entitled to the per diem allowance and travel expenses provided by law for state officers and employees generally.

3. The governor shall make the appointments from recommendations submitted by Clark County, Washoe County, professional organizations of sheriffs and police chiefs of this state, category II peace officers and category III peace officers.

4. The committee shall:

(a) Meet at the call of the chairman, who must be elected by the members of the committee.

(b) Provide for and encourage the training and education of peace officers in order to improve the system of criminal justice.

(c) Adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers.

(d) Make necessary inquiries to determine whether agencies of the state and of local governments are complying with standards set forth in its regulations.

(e) Carry out the duties required of the committee pursuant to NRS 432B.610 and 432B.620.

5. Regulations adopted by the committee:

(a) Apply to all agencies of the state and of local governments which employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children; and

(c) May require that training be carried on at institutions which it approves in those regulations.

6. The director may adopt regulations necessary for the operation of the committee and the enforcement of laws administered by the committee.

7. As used in this section:

(a) "Category II peace officer" means:

(1) The bailiff of the supreme court;

(2) The bailiffs of the district courts, justices' courts and municipal courts whose duties require them to carry weapons and make arrests;

(3) Constables and their deputies whose official duties require them to carry weapons and make arrests;

(4) Inspectors employed by the public [service] *utilities* commission of Nevada *and the transportation services authority* who exercise those powers of enforcement conferred by chapters 704, 705 and 706 of NRS;

(5) Parole and probation officers;

(6) Special investigators who are employed full time by the office of any district attorney or the attorney general;

(7) Investigators of arson for fire departments who are specially designated by the appointing authority;

(8) The assistant and deputies of the state fire marshal;

(9) The brand inspectors of the division of agriculture of the department of business and industry who exercise the powers of enforcement conferred in chapter 565 of NRS;

(10) Investigators for the state forester firewarden who are specially designated by him and whose primary duties are the investigation of arson;

(11) School police officers employed by the board of trustees of any county school district;

(12) Agents of the state gaming control board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

(13) Investigators and administrators of the bureau of enforcement of the registration division of the department of motor vehicles and public safety who perform the duties specified in subsection 3 of NRS 481.048;

(14) Officers and investigators of the section for the control of emissions from vehicles of the registration division of the department of motor vehicles and public safety who perform the duties specified in subsection 3 of NRS 481.0481;

(15) Legislative police officers of the State of Nevada;

(16) The personnel of the capitol police division of the department of motor vehicles and public safety appointed pursuant to subsection 2 of NRS 331.140;

(17) Parole counselors of the division of child and family services of the department of human resources;

(18) Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in Nevada or by a department of family, youth and juvenile services established pursuant to NRS 62.1264 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

(19) Field investigators of the taxicab authority;

(20) Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests; and

(21) The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department.

(b) "Category III peace officer" means peace officers whose authority is limited to correctional services, and includes the superintendents and correctional officers of the department of prisons.

Sec. 306. NRS 483.160 is hereby amended to read as follows:

483.160 1. "School bus" means every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. "School bus" does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the [Interstate Commerce Commission] *Surface Transportation Board* or the [public service commission of Nevada] *transportation services authority* when such vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 307. NRS 484.148 is hereby amended to read as follows:

484.148 1. "School bus" means every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. "School bus" does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the [Interstate Commerce Commission] *Surface Transportation Board* or the [public service commission of Nevada] *transportation services authority* when such vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 308. NRS 484.229 is hereby amended to read as follows:

484.229 1. Except as otherwise provided in subsections 2, 3 and 4, the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of $750 or more, shall, within 10 days after the accident, forward a written report of the accident to the department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this state, an adjuster licensed pursuant to

chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The department may require the driver or owner of the vehicle to file supplemental written reports whenever the original report is insufficient in the opinion of the department.

2. A report is not required from any person if the accident was investigated by a law enforcement agency and the report of the investigating officer contains:

(a) The name and address of the insurance company providing coverage to each person involved in the accident;

(b) The number of each policy; and

(c) The dates on which the coverage begins and ends.

3. The driver of a vehicle subject to the jurisdiction of the [Interstate Commerce Commission] *Surface Transportation Board* or the [public service commission of Nevada] *transportation services authority* need not submit in his report the information requested pursuant to subsection 3 of NRS 484.247 until the 10th day of the month following the month in which the accident occurred.

4. A written accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of his incapacity. Whenever the driver is physically incapable of making a written report of an accident as required in this section and he is not the owner of the vehicle, the owner shall within 10 days after knowledge of the accident make the report not made by the driver.

5. All written reports required in this section to be forwarded to the department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use of the department or other state agencies having use of the records for accident prevention, except that the department may disclose to a person involved in an accident or to his insurer the identity of another person involved in the accident when his identity is not otherwise known or when he denies his presence at the accident. The department may also disclose the name of his insurer and the number of his policy.

6. No written report forwarded pursuant to the provisions of this section may be used as evidence in any trial, civil or criminal, arising out of an accident except that the department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484.236.

Sec. 309. NRS 484.631 is hereby amended to read as follows:

484.631 1. Tow cars must be equipped with:

(a) One or more brooms, and the driver of the tow car engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed.

(b) A shovel, and whenever practical the driver of the tow car engaged to remove any disabled vehicle shall spread dirt upon any portion of the roadway where oil or grease has been deposited by the disabled vehicle.

(c) At least one fire extinguisher of the dry chemical or carbon dioxide type, with minimum effective chemicals of no less than 5 pounds, with an aggregate rating of at least 10-B, C units, which must bear the approval of a laboratory nationally recognized as properly equipped to grant such approval.

2. A citation may be issued to any driver of a tow car who violates any provision of paragraph (a) of subsection 1. The peace officer who issues the citation shall report the violation to the Nevada highway patrol or the sheriff of the county or the chief of police of the city in which the roadway is located. If necessary, the Nevada highway patrol, sheriff or chief of police shall cause the roadway to be cleaned and shall bill the owner or operator of the tow car for the costs of the cleaning. If the owner or operator does not pay those costs within 30 days after receiving the bill therefor, the Nevada highway patrol, sheriff or chief of police shall report such information to the [public service commission of Nevada,] *transportation services authority,* which may take disciplinary action in accordance with the provisions of NRS 706.449.

Sec. 310. NRS 487.038 is hereby amended to read as follows:

487.038 1. Except as otherwise provided in subsections 3 and 4, the owner or person in lawful possession of any real property may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the [public service commission of Nevada] *transportation services authority* to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard if:

(a) A sign is displayed in plain view on the property declaring public parking to be prohibited or restricted in a certain manner; and

(b) The sign shows the telephone number of the police department or sheriff's office.

2. Oral notice must be given to the police department or sheriff's office whichever is appropriate, indicating:

(a) The time the vehicle was removed;

(b) The location from which the vehicle was removed; and

(c) The location to which the vehicle was taken.

3. Any vehicle which is parked in a space designated for the handicapped and is not properly marked for such parking may be removed if notice is given to the police department or sheriff's office pursuant to subsection 2, whether or not a sign is displayed pursuant to subsection 1.

4. The owner or person in lawful possession of residential real property upon which a single-family dwelling is located may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the [public service commission of Nevada] *transportation services authority* to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard, whether or not a sign is displayed pursuant to subsection 1.

5. All costs incurred, under the provisions of this section, for towing and storage must be borne by the owner of the vehicle, as that term is defined in NRS 484.091.

6. The provisions of this section do not limit or affect any rights or remedies which the owner or person in lawful possession of real property may have by virtue of other provisions of the law authorizing the removal of a vehicle parked on that property.

Sec. 311. NRS 523.161 is hereby amended to read as follows:

523.161 1. Except for those energy resources for whose priorities of use are established by the public [service] *utilities* commission of Nevada, the director may recommend to state agencies, local governments and appropriate private persons and entities, standards for conservation of energy and its sources and for carrying out the state plan for the conservation of energy.

2. In recommending such standards the director shall consider the usage of energy and its sources in the state and the methods available for conservation of those sources.

Sec. 312. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as *otherwise* provided in subsection 2 and as to the furnishing of any information required by the state engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed a daily maximum of 1,800 gallons.

2. The state engineer may designate any ground water basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the state engineer within 10 days after the completion of the well. The state engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The state engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this state; or

(b) A public utility whose rates and service are regulated by the public [service] *utilities* commission of Nevada,

but only if the charge for making the connection to the service is less than $200.

Sec. 313. NRS 538.181 is hereby amended to read as follows:

538.181 1. The commission shall hold and administer all rights and benefits pertaining to the distribution of the power and water mentioned in NRS 538.041 to 538.251, inclusive, for the State of Nevada, and, except as otherwise provided in NRS 538.186, may enter into contracts relating to that power and water, including the transmission and other distribution services, on such terms as the commission determines.

2. Every applicant, except a federal or state agency or political subdivision, for power or water to be used within the State of Nevada must, before the application is approved, provide an indemnifying bond by a corporation qualified pursuant to the laws of this state, or other collateral, approved by the state board of examiners, payable to the State of Nevada in such sum and in such manner as the commission may require, conditioned for the full and faithful performance of the lease, sublease, contract or other agreement.

3. The power and water must not be sold for less than the actual cost to the State of Nevada.

4. Except as otherwise provided in subsection 5, before any such sale or lease is made, a notice of it must be advertised in two papers of general circulation published in the State of Nevada at least once a week for 2 weeks. The commission shall require any person desiring to make objection thereto to file the objection with the commission within 10 days after the date of the last publication of the notice. If any objection is filed, the commission shall set a time and place for a hearing of the objection not more than 30 days after the date of the last publication of the notice.

5. The provisions of subsection 4 do not apply to:

(a) Any contract by the commission to sell supplemental power to a holder of a long-term firm contract with the state for power if the supplemental power is procured by the commission from a prearranged source and is secured by the holder for his own use; or

(b) Any agreement by the commission to sell short-term or interruptible power on short notice for immediate acceptance to a holder of a long-term firm contract with the state for power who can take delivery of the short-term or interruptible power when it is available.

6. Except as otherwise provided in subsection 2 of NRS 538.251, any such lease, sublease, contract or sale of the water or power is not binding upon the State of Nevada until ratified and approved by the governor and, where required by federal law, until approved by the United States.

7. The commission shall, upon the expiration of a contract for the sale of power which is in effect on July 1, 1993, offer to the purchaser the right to renew the contract. If the commission is unable to supply the amount of power set forth in the contract because of a shortage of power available for sale, it shall reduce, on a pro rata basis, the amount of power it is required to sell pursuant to the renewed contract.

8. [Notwithstanding] *Except as otherwise provided in section 50 of this act, notwithstanding* any provision of chapter 704 of NRS, any purchase of:

(a) Power or water for distribution or exchange, and any subsequent distribution or exchange of power or water by the commission; or

(b) Water for distribution or exchange, and any subsequent distribution or exchange of water by any entity to which or with which the commission has contracted the water,

is not subject to regulation by the public [service] *utilities* commission of Nevada.

Sec. 314. NRS 540A.300 is hereby amended to read as follows:

540A.300 1. The board of county commissioners and the largest supplier of water within the region which is a public utility shall enter into an agreement which defines the respective areas within the region where the public utility and all systems for the supply of water which are controlled or operated by the board will provide retail water services. The agreement must resolve all issues related to service territories of the public utility and all systems for the supply of water which are controlled or operated by the board. An agreement executed pursuant to this subsection does not become effective until the public [service] *utilities* commission of Nevada approves the terms of the agreement.

2. The agreement entered into pursuant to subsection 1 governs the provision of retail water services by the public utility and the board, unless the agreement is amended by the mutual agreement of the board and the public utility.

3. The public utility must comply with any applicable regulations of the public [service] *utilities* commission of Nevada when providing water services within the region.

4. The public utility may withhold from the board at any time before an agreement is finalized pursuant to subsection 1 any information which is confidential, proprietary or which may cause a competitive disadvantage to the public utility if the information is disseminated.

Sec. 315. NRS 540A.310 is hereby amended to read as follows:

540A.310 1. The largest supplier of water within the region which is a public utility shall provide wholesale water services in a manner consistent with its water resource plan as approved by the public [service] *utilities* commission of Nevada.

2. The largest supplier of water within the region which is a public utility shall provide all wholesale water services to any system of water supply operated or controlled by the board of county commissioners from water resources recognized in its water resource plan as approved by the public [service] *utilities* commission of Nevada, except to the extent that:

(a) There is an existing system or a system under construction for the provision of wholesale water services;

(b) The public utility enters into an agreement with the board on or before June 15, 1995;

(c) A subdivision map has been approved on or before June 15, 1995, in an unincorporated area of the region; or

(d) The public utility and the board agree that it is more economical for the board to provide such services.

Sec. 316. NRS 565.040 is hereby amended to read as follows:

565.040 1. The administrator may declare any part of this state a brand inspection district.

2. After the creation of any brand inspection district as authorized by this chapter all animals within any such district are subject to brand inspection in accord with the terms of this chapter before:

(a) Consignment for slaughter within any district;

(b) Any transfer of ownership by sale or otherwise; or

(c) Removal from the district if the removal is not authorized pursuant to a livestock movement permit issued by the division.

3. Whenever a brand inspection district is created by the division pursuant to the provisions of this chapter, the administrator shall adopt and issue regulations defining the boundaries of the district, the fees to be collected for brand inspection, and prescribing such other rules or methods of procedure not inconsistent with the provisions of this chapter as he deems wise.

4. Any regulations issued pursuant to the provisions of this section must be published at least twice in some newspaper having a general circulation in the brand inspection district created by the regulations, and copies of the regulations must be mailed to all common carriers of record with the public [service] *utilities* commission of Nevada operating in the brand inspection district, which publication and notification constitutes legal notice of the creation of the brand inspection district. The expense of advertising and notification must be paid from the livestock inspection account.

Sec. 317. NRS 581.103 is hereby amended to read as follows:

581.103 1. Any person who wishes to make any repair or adjustment, for hire, to a weighing or measuring device must submit to the state sealer of weights and measures:

(a) An application for a certificate of registration on a form provided by the state sealer of weights and measures;

(b) The annual fee prescribed by regulation pursuant to NRS 581.075; and

(c) The equipment the person will use to repair or adjust weighing or measuring devices. The state sealer of weights and measures shall inspect the equipment to ensure that the equipment complies with the standards set forth in the regulations adopted pursuant to NRS 581.050.

2. The state sealer of weights and measures shall issue to any person who complies with the requirements of subsection 1 a certificate of registration. The certificate must include a unique registration number.

3. A certificate of registration is effective for the calendar year in which it is issued, and may be renewed upon application on or before January 15 of the succeeding year. Any person who, for hire, makes a repair or adjustment to a weighing or measuring device without being registered pursuant to this section shall be punished as provided in NRS 581.450.

4. Except as otherwise provided in NRS 581.104, any person who sells or installs or makes any repair or adjustment to a commercially used weighing or measuring device shall within 24 hours notify the state sealer of weights and measures, on a form provided by the state sealer of weights and measures, of that repair, adjustment, sale or installation. If a person who has been issued a certificate of registration pursuant to subsection 2 fails to notify the state sealer of weights and measures as required by this subsection, the state sealer of weights and measures may suspend the certificate of registration of that person for not more than 10 days and may, after a hearing, revoke his certificate of registration.

5. The form required pursuant to subsection 4 must include:

(a) The registration number and signature of the person who sold, installed, repaired or adjusted the device; and

(b) A statement requesting that the state sealer of weights and measures inspect the weighing or measuring device and seal or mark it if it complies with the standards set forth in the regulations adopted pursuant to NRS 581.050.

6. Any person required to register pursuant to subsection 1 who employs any other person to make any repair or adjustment to a weighing or measuring device is responsible for the registration of that employee in the manner required by subsection 1.

7. The provisions of this section do not apply to a public utility subject to the jurisdiction of the public [service] *utilities* commission of Nevada [.] *or a common or contract motor carrier subject to the jurisdiction of the transportation services authority.*

Sec. 318. NRS 581.405 is hereby amended to read as follows:

581.405 1. As used in this section, "liquefied petroleum gas" means and includes any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: Propane, propylene, butanes, either normal butane or isobutane, and butylenes.

2. Liquefied petroleum gas sold as a liquid and by meter liquid measurement shall be sold at the rate of 231 cubic inches per gallon at 60° F.

3. When liquefied petroleum gas is sold by use of a temperature compensating meter, suitably sealed or marked by the state sealer of weights and measures pursuant to the provisions of NRS 581.080, the sales ticket shall:

(a) Show the number of compensated gallons delivered; and

(b) State that a temperature correction was made to 60° F.

4. When liquefied petroleum gas is sold by use of a volume correction factor table approved by the state sealer of weights and measures, the sales ticket shall:

(a) Show the number of metered gallons delivered;

(b) Show the temperature of the liquefied petroleum gas when delivered;

(c) Before final invoicing, show the number of compensated gallons delivered; and

(d) State that a temperature correction was made to 60° F.

5. The temperature compensating requirements of this section shall not apply to:

(a) Sales of liquefied petroleum gas from fixed liquefied petroleum gas dispensing systems when delivery is made directly to fuel tanks of motor vehicles or to portable containers.

(b) Interstate tank car and transport truck deliveries to bulk storage, or to public utility systems using pipes or other fixtures in the public highways or streets for the transmission of liquefied petroleum gas and operating under the jurisdiction of the public [service] *utilities* commission of Nevada, or to any public service company whose operations are subject to the jurisdiction of the public [service] *utilities* commission of Nevada.

6. Pursuant to the provisions of NRS 581.050, the state sealer of weights and measures is authorized to establish and promulgate rules and regulations found necessary by him to carry out the provisions of this section, including without limitation rules and regulations authorizing tolerances in excess or deficiency for temperature compensating meters.

7. Any person who violates any of the provisions of this section or of the rules and regulations of the state sealer of weights and measures established and [promulgated] *adopted* by him pursuant to the provisions of subsection 6 of this section shall be punished as provided in NRS 581.450.

Sec. 319. NRS 584.472 is hereby amended to read as follows:

584.472 1. Written notice of any hearing held by the commission must be mailed to the [consumer affairs division of the department of business and industry.] *bureau of consumer protection in the office of the attorney general.*

2. The division may file with the commission any statement concerning the proposed action and may appear at the hearing to give evidence concerning the proposed action.

Sec. 320. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 321 to 325, inclusive, of this act.

Sec. 321. *As used in NRS 597.440 and sections 321 to 325, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 322 and 323 of this act, have the meanings ascribed to them in those sections.*

Sec. 322. *"Contract dealer" means a retailer who operates a service station pursuant to a franchise agreement if the service station is not leased to the retailer by the refiner with whom the retailer has entered into the franchise agreement.*

Sec. 323. *"Lessee dealer" means a retailer who operates a service station pursuant to a franchise agreement if the service station is leased to the retailer by the refiner with whom the retailer has entered into the franchise agreement.*

Sec. 324. *On or after July 1, 1997, a refiner shall not commence the direct operation of a service station with his own employees or through a subsidiary or commissioned agent or a person on the basis of a fee, if that service station is leased by the refiner to a lessee dealer on or before July 1, 1997.*

Sec. 325. *1. A contract dealer shall not, on or before July 1, 1998, sell a service station which he operates to the refiner with whom he has entered into a franchise agreement.*

2. Except as otherwise provided in subsection 3, if a contract dealer sells a service station to a refiner in compliance with subsection 1, the refiner may not engage in the direct operation of that service station with his own employees or through a subsidiary or commissioned agent or a person on the basis of a fee.

3. On or after July 1, 1998, a contract dealer may authorize a refiner to whom he has sold a service station to engage in the operation of that service station directly with his own employees or through a subsidiary or commissioned agent or person on a fee basis, by sending a notice to the refiner to engage in the refiner, by certified mail, return receipt requested, offering the refiner to engage in the operation of the service station in such a manner. The contract dealer may, at any time before the refiner accepts such an offer, rescind the offer by sending a notice of recession to the refiner by certified mail, return receipt requested.

4. The provisions of this section do not apply to a contract dealer who operates or has previously operated more than three service stations.

Sec. 326. NRS 597.440 is hereby amended to read as follows:

597.440 1. [On] *Except as otherwise provided in this section and sections 324 and 325 of this act, on* or after July 1, [1987, except as provided in subsection 3,] *1997,* a refiner [shall not commence the:

(a) Direct operation of a service station,] *may commence,* with his own employees or through a subsidiary or commissioned agent or a person on the basis of a fee [; or

(b) Sale of motor vehicle fuel at a service station.] *, the direct operation of the following number of additional service stations during the calendar years so indicated:*

(a) By the end of calendar year 1997, a total of two service stations in addition to the number of services stations directly operated by the refiner on July 1, 1997.

(b) By the end of calendar year 1998, a total of six additional service stations in addition to the number of services stations directly operated by the refiner on July 1, 1997.

(c) By the end of calendar year 1999, a total of 10 additional service stations in addition to the number of services stations directly operated by the refiner on July 1, 1997.

(d) After the end of calendar year 1999, a total of 15 additional service stations in addition to the number of services stations directly operated by the refiner on July 1, 1997.

2. On or after [July 1, 1988, except as provided in subsection 3, a refiner shall not engage in the direct operation of more than 15 service stations in this state, with his own employees or through a subsidiary or commissioned agent or a person on the basis of a fee.] *January 1, 2001, a refiner who engages in the direct operation of:*

(a) Less than 30 service stations in this state, with his own employees or through a subsidiary or commissioned agent or a person on the basis of a fee, may commence the direct operation of not more than five additional services stations per calendar year, but in no case may he commence the direct operation of more than 30 service stations without complying with the provisions of paragraph (b).

(b) At least 30 service stations in this state, with his own employees or through a subsidiary or commissioned agent or a person on the basis of a fee, may commence the direct operation of additional service stations per year, with his own employees or through a subsidiary or commissioned agent or person on the basis of a fee, only if, during the year in which the service stations are added, he leases at least one additional service station to a lessee dealer for every two directly operated service stations added. For the purposes of this paragraph, a service station leased by the refiner to a lessee

dealer before the refiner engages in the direct operation of at least 30 service stations shall be deemed to be one service station leased to a lessee dealer during any year following the year in which the refiner engages in the direct operation of at least 30 service stations.

3. A refiner may operate a service station for not more than 90 days if the:

(a) Retailer voluntarily terminates or agrees not to renew the franchise; or

(b) Franchise is terminated by the refiner pursuant to NRS 597.270 to 597.470, inclusive.

Sec. 327. NRS 598.180 is hereby amended to read as follows:

598.180 "Door-to-door sale" means any sale, purchase, lease or rental of any consumer goods or services with a purchase price of $25 or more which is the result of any door-to-door solicitation or personal solicitation by the seller or his representative, whether at the specific invitation of the buyer or not, and which is made at a place other than the place of business of the seller. The term "door-to-door sale" does not include a transaction:

1. Made pursuant to a preexisting retail charge agreement or pursuant to prior negotiations between the parties at or from a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis.

2. In which the consumer is accorded the right of rescission by the provisions of the Consumer Credit Protection Act (15 U.S.C. § 1635) or regulations issued pursuant thereto.

3. In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within 3 business days.

4. Conducted and consummated entirely by mail or telephone, and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the service.

5. In which the buyer has initiated the contact and specifically requested the seller to visit his home for the purpose of repairing or performing maintenance upon the buyer's personal property. If in the course of the visit, the seller sells the buyer the right to receive additional services and goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services would not fall within this exclusion.

6. Pertaining to the sale or rental of real property, to the sale of insurance or to the sale of securities or commodities by a broker-dealer registered with the Securities Exchange Commission.

7. Pertaining to the sale or rental of vehicles as defined in NRS 482.135.

8. Pertaining to the sale or rental of mobile homes.

9. Pertaining to the provision of facilities and services furnished by utilities under the jurisdiction of the public [service] *utilities* commission of Nevada.

Sec. 328. NRS 598A.040 is hereby amended to read as follows:

598A.040 The provisions of this chapter do not apply to:

1. Any labor, agricultural or horticultural organizations organized for the purpose of self-help and not for profit to itself nor to individual members thereof, while lawfully carrying out its legitimate objects.

2. Bona fide religious and charitable activities of any nonprofit corporation, trust or organization established exclusively for religious or charitable purposes.

3. Conduct which is expressly authorized, regulated or approved by:

(a) A statute of this state or of the United States;

(b) An ordinance of any city or county of this state, except for ordinances relating to community antenna television companies; or

(c) An administrative agency of this state or of the United States or of a city or county of this state, having jurisdiction of the subject matter.

4. Conduct or agreements relating to rates, fares, classifications, divisions, allowances or charges , [(] including charges between carriers and compensation paid or received for the use of facilities and equipment [)] , *that are* authorized, regulated or approved by the [public service commission of Nevada] *transportation services authority* pursuant to chapter 706 of NRS.

5. Restrictive covenants:

(a) Which are part of a contract of sale for a business and which bar the seller of the business from competing with the purchaser of the business sold within a reasonable market area for a reasonable period of time; or

(b) Which are part of a commercial shopping center lease and which bar the parties from permitting or engaging in the furnishing of certain services or the sale of certain commodities within the commercial shopping center where such leased premises are located.

Sec. 329. NRS 599B.015 is hereby amended to read as follows:

599B.015 1. The [commissioner may request and the] attorney general shall provide opinions for the [division] *bureau* on all questions of law relating to the construction, interpretation or administration of this chapter.

2. The attorney general shall make the legal determination of whether a person is required to register pursuant to the provisions of this chapter. In making this determination, the attorney general shall consider the definitions, intent, findings and declarations set forth in this chapter.

Sec. 330. NRS 624.330 is hereby amended to read as follows:

624.330 This chapter does not apply to:

1. Work done exclusively by an authorized representative of the United States Government, the State of Nevada, or any incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state.

2. An officer of a court when acting within the scope of his office.

3. Work done exclusively by a public utility operating under the regulations of the public [service] *utilities* commission of Nevada on construction, maintenance and development work incidental to its own business.

4. An owner of property who is building or improving a residential structure on the property for his own occupancy and not intended for sale. The sale or offering for sale of the newly built structure within 1 year after its completion creates a rebuttable presumption for the purposes of this section that the building of the structure was performed with intent to sell.

5. The sale or installation of any finished product, material or article of merchandise which is not actually fabricated into and does not become a permanent fixed part of the structure.

6. Any construction, alteration, improvement or repair of personal property.

7. Any construction, alteration, improvement or repair financed in whole or in part by the Federal Government and carried on within the limits and boundaries of any site or reservation, the title of which rests in the Federal Government.

8. An owner of property, the primary use of which is as an agricultural or farming enterprise, building or improving a structure on the property for his own use or occupancy and not intended for sale or lease.

9. An owner of property who builds or improves a structure upon his property and who contracts solely with a managing contractor licensed pursuant to the provisions of this chapter for the building or improvement, if the owner is and remains financially responsible for the building or improving of all buildings and structures built by the owner upon his property pursuant to the exemption of this subsection.

Sec. 331. Section 71 of this act is hereby amended to read as follows:

Sec. 71. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 or as otherwise provided by the commission pursuant to NRS 704.095 or 704.097:

1. Whenever there is filed with the commission any schedule stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule resulting in a discontinuance, modification or restriction of service, the commission may, upon complaint or upon its own motion without complaint, at once, without answer or formal

pleading by the interested utility, investigate or, upon reasonable notice, conduct a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending the investigation or hearing and the decision thereon, the commission, upon delivering to the utility affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for more than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. Whenever there is filed with the commission any schedule stating an increased individual or joint rate, fare or charge for service or equipment, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. During any hearing concerning the increased rates, fares or charges determined by the commission to be necessary, the commission shall consider evidence in support of the increased rates, fares or charges based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but no new rates, fares or charges may be placed into effect until the changes have been experienced and certified by the utility to the commission. The commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the filing with the commission of the certification required in this subsection, or before the expiration of any period of suspension ordered pursuant to subsection 2, whichever time is longer, the commission shall make such order in reference to those rates, fares or charges as is required by this chapter.

4. After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect,

the commission may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

5. Whenever an application is filed by a public utility for an increase in any rate, fare or charge based upon increased costs in the purchase of fuel or power, and the public utility has elected to use deferred accounting for costs of the purchase of fuel or power in accordance with the commission's regulations, the commission, by appropriate order after a public hearing, shall allow the public utility to clear the deferred account not more often than every 6 months by refunding any credit balance or recovering any debit balance over a period not to exceed 1 year as determined by the commission. The commission shall not allow a recovery of a debit balance or any portion thereof in an amount which would result in a rate of return in excess of the rate of return most recently granted the public utility.

6. Except as otherwise provided in subsection 7 or in NRS 707.350, whenever a general rate application for an increased rate, fare or charge for, or classification, regulation, discontinuance, modification, restriction or practice involving service or equipment has been filed with the commission, a public utility shall not submit another general rate application until all pending general rate applications for increases in rates submitted by that public utility have been decided unless, after application and hearing, the commission determines that a substantial financial emergency would exist if the other application is not permitted to be submitted sooner.

7. A public utility may not file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale more often than once every 30 days.

8. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility. As used in this subsection, "utility facility" has the meaning ascribed to it in subsections 1 and 2 of NRS 704.860.

Sec. 332. Section 232 of this act is hereby amended to read as follows:

Sec. 232. The legislative committee on utilities:

1. May review issues related to all public utilities subject to the jurisdiction of the public [service] *utilities* commission of Nevada to:

(a) Maximize the benefits of a competitive marketplace;

(b) Ensure flexibility to providers of energy;

(c) Foster growth and innovation in the provision of services through the public [service] *utilities* commission of Nevada;

(d) Ensure and enhance the safety and reliability of the public utilities provided in this state; and

(e) Ensure the protection of the persons who use the services provided by such public utilities.

2. May review issues related to the consumer's advocate.

3. *May review issues related to the transportation services authority and the entities regulated by the transportation services authority.*

4. Shall evaluate whether or the extent to which:

(a) Requirements should be established regarding the use of renewable resources and the creation of programs to improve energy efficiency; and

(b) The diversity of fuel, the diversity of generation resources or any economic or environmental factors should be considered in determining the optimal combination of generation resources necessary to meet the requirements for electric energy in this state.

[4.] *5.* May conduct investigations and hold hearings in connection with carrying out its duties pursuant to this section.

[5.] *6.* May direct the legislative counsel bureau to assist in its research, investigations, hearings and reviews.

Sec. 333. Section 233 of this act is hereby amended to read as follows:

Sec. 233. 1. There is hereby created a Northern Nevada advisory oversight committee and a Southern Nevada advisory oversight committee for the legislative committee on utilities.

2. The Northern Nevada advisory committee must be appointed by members of the legislature who represent a district which comprises any part of the service territory of an electric utility which, on the effective date of this section, holds a certificate of public convenience and necessity on July 1, 1997, that includes Washoe County and consists of:

(a) Not more than two persons representing the electric utility whose service area includes Washoe County.

(b) One shareholder of that electric utility.

(c) Two residential customers of the electric utility.

(d) Two persons who represent small businesses that use not less than 800 kilowatts but not more than 5 megawatts of electricity supplied by the electric utility.

(e) Two persons who represent two different large industrial users who use 5 megawatts of electricity or more supplied by the electric utility.

(f) Two persons who represent local governments that receive electric service from the electric utility.

(g) One or two persons who represent alternative sellers and cogeneration or small power production facilities that meet the criteria of and has been certified as a qualified facility pursuant to Title 18, Code of Federal Regulations, sections 292.201 to 292.207, inclusive, as those sections existed on the effective date of this act, operating to provide electric service in the service territory of the electric utility.

(h) One or two legislators from those legislators who are eligible to appoint the committee pursuant to this subsection.

3. The Southern Nevada advisory committee must be appointed by members of the legislature who represent a district which comprises any part of the service territory of an electric utility which, on the effective date of this section, holds a certificate of public convenience and necessity on July 1, 1997, that includes Clark County and consists of:

(a) Not more than two persons representing the electric utility whose service area includes Clark County.

(b) One shareholder of that electric utility.

(c) Two residential customers of the electric utility.

(d) Two persons who represent small businesses that use not less than 800 kilowatts but not more than 5 megawatts of electricity supplied by the electric utility.

(e) Two persons who represent two different large industrial users who use 5 megawatts of electricity or more supplied by the electric utility.

(f) Two persons who represent local governments that receive electric service from the electric utility.

(g) One or two persons who represent alternative sellers and cogeneration or small power production facilities that meet the criteria of and has been certified as a qualified facility pursuant to Title 18, Code of Federal Regulations, sections 292.201 to 292.207, inclusive, as those sections existed on the effective date of this act, operating to provide electric service in the service territory of the electric utility.

(h) One or two legislators from those legislators who are eligible to appoint the committee pursuant to this subsection.

4. Members of the advisory committees serve without compensation and are not entitled to the per diem allowance or travel expenses provided for state officers and employees generally.

5. The advisory committee shall:

(a) Discuss the rules and regulations related to the provision of competitive electric service in this state and the needs of the residents of this state related to such competition, including, but limited to, issues relating to affiliates, aggregation of services, alternative sellers, anticompetitive conduct, resource planning, renewable energy,

consumer education, potentially competitive services, recovery of stranded costs and rate caps.

(b) Monitor the progress of the public [service] *utilities* commission of Nevada in facilitating such competition.

6. The advisory committees shall submit recommendations to the legislative committee on utilities. The Southern Nevada advisory committee shall submit its recommendations to the inaugural meeting of the legislative committee on utilities, and thereafter, unless otherwise directed by the legislative committee on utilities, the advisory committee that is designated to submit recommendations alternates between every other meeting of the legislative committee on utilities.

Sec. 334. NRS 597.700 is hereby repealed.

Sec. 335. The executive director of the department of taxation shall, not later than January 1, 1999, submit to the director of the legislative counsel bureau for distribution to the legislature a report including, but not limited to:

1. An analysis of the effect of the tax policies of this state on:

(a) The potential for effective competition in providing electric services to customers; and

(b) The effect of competition in providing electric services to customers on the revenue from taxes and franchise fees of this state and local governments.

2. Recommendations for legislation that would advance the purposes of sections 28 to 53, inclusive, of this act and ensure a minimal effect on the tax revenue of this state and local governments.

Sec. 336. In the quarterly report for the first quarter of 1999, which must be submitted by the public utilities commission of Nevada pursuant to section 53 of this act, the commission shall provide a comprehensive evaluation of the development of the markets for potentially competitive services since July 1, 1997.

Sec. 337. The public service commission of Nevada shall adopt regulations to carry out the provisions of sections 28 to 53, inclusive, of this act not later than July 1, 1999.

Sec. 338. The public service commission of Nevada shall adopt the regulations required by section 48 of this act not later than November 1, 1997.

Sec. 339. 1. Not later than January 1, 1999, the public utilities commission of Nevada shall establish a plan of organization for the public utilities commission of Nevada. The plan of organization must be submitted to:

(a) The director of the legislative counsel bureau for transmittal to the legislative committee on utilities and the interim finance committee; and

(b) The director of the department of administration.

2. The plan of organization of the public utilities commission of Nevada must:

(a) Be consistent with the provisions of section 3 of this act; and

(b) Include a proposed budget for the revenue, personnel and expenditures of the public utilities commission of Nevada.

Sec. 340. The public service commission of Nevada shall, on or before:

1. July 1, 1998, adopt the regulations required by sections 58 to 63, inclusive, of this act.

2. February 1, 1999, submit a written report concerning the alternative plan of regulation adopted pursuant to sections 58 to 63, inclusive of this act, including the names of the public utilities which supply natural gas that have elected to operate under the alternative plan, to the director of the legislative counsel bureau for transmittal to the 70th session of the legislature.

3. February 1, 2001, submit a written report concerning the alternative plan and any recommendations for legislation to the director of the legislative counsel bureau for transmittal to the 71st session of the legislature.

Sec. 341. 1. The terms of office of all members appointed to the public service commission of Nevada who are incumbent on September 30, 1997, expire on that date.

2. Not later than October 1, 1997, the governor shall appoint three persons as commissioners of the public utilities commission of Nevada, whose terms commence on October 1, 1997. For the initial term of the members of the public utilities commission, the governor shall appoint:

(a) One member to a 2-year term;

(b) One member to 3-year term; and

(c) One member to a 4-year term.

3. Not later than October 1, 1997, the governor shall appoint three persons as members of the transportation services authority, whose terms commence on October 1, 1997. For the initial term of the members of the transportation services authority, the governor shall appoint:

(a) One member to a 2-year term;

(b) One member to a 3-year term; and

(c) One member to a 4-year term.

Sec. 342. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the

administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 343. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 344. The amendatory provisions section 225 of this act do not apply to offenses that are committed before October 1, 1997.

Sec. 345. 1. This section and sections 28 to 54, inclusive, 230 to 233, inclusive, and 321 to 325, inclusive, 334 to 344, inclusive, 346 and 347 of this act, become effective upon passage and approval.

2. Sections 55, 56, 71, 82 to 84, inclusive, 86, 87, 90 and 91 of this act becomes effective on July 1, 1997.

3. Sections 85, 88 and 89 of this act become effective at 12:01 a.m. on July 1, 1997.

4. Sections 1 to 27, inclusive, 57 to 70, inclusive, 72 to 81, inclusive, 92 to 172, inclusive, 174, 176, 178 to 221, inclusive, 223 to 229, inclusive, 234 to 320, inclusive, 326 to 333, inclusive, of this act become effective on October 1, 1997.

5. Section 222 of this act becomes effective at 12:01 a.m. on October 1, 1997.

6. Sections 173, 175 and 177 of this act become effective on the date that the provisions of 49 U.S.C. § 11501 are repealed or judicially declared to be invalid.

Sec. 346. 1. Sections 134, 174, 176, 178 and 179 of this act expire by limitation on the date that the provisions of 49 U.S.C. § 11501 are repealed or judicially declared to be invalid.

2. Section 239 of this act expires by limitation on June 30, 2003.

Sec. 347. 1. The legislative counsel shall:

(a) In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

(b) In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

2. Any reference in a bill or resolution passed by the 69th session of the Nevada legislature to an officer or an agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency shall be deemed to refer to the officer or agency to which the responsibility is transferred.

TEXT OF REPEALED SECTION

597.700 Games and contests operated by service stations prohibited.

1. Any dealer or seller of gasoline or other motor vehicle fuel who engages in, promotes or in any manner operates, in connection with the sale of goods or services, any contest or game by which a person may, as determined by chance, receive gifts, prizes or gratuities is guilty of a misdemeanor.

2. The provisions of subsection 1 apply whether or not a purchase is required in order to participate in such contest or game.".

Amend the title of the bill to read as follows: "An Act relating to governmental administration; reorganizing the public service commission of Nevada into the public utilities commission of Nevada and defining its duties; creating the transportation services authority and defining its duties; transferring the regulation of certain transportation carriers from the public service commission to the transportation services authority; creating the bureau of consumer protection in the office of the attorney general and defining its duties; transferring the duties of the office of the advocate for customers of public utilities in the office of the attorney general to the bureau of consumer protection; revising provisions governing the regulation of electric services and gas services; requiring the central assessment of certain property; requiring the executive director of the department of taxation to submit a report to the legislature; revising the restrictions on refiner's operation of service stations; revising the Utility Environmental Protection Act; making technical changes; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Reorganizes public service commission of Nevada and makes various changes concerning regulation of utilities and governmental administration. (BDR 58-1390)".

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 366.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 214.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Price.

Roll call on Senate Bill No. 214:

YEAS — 41.

NAYS — Price.

Senate Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was re-referred Senate Bill No. 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Elections, Procedures, and Ethics.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Elections, Procedures, and Ethics, to which was referred Senate Concurrent Resolution No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 17 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 17.

Bill read third time.

Remarks by Assemblymen Arberry and Anderson.

Roll call on Senate Bill No. 17:

YEAS — 37.

NAYS — Anderson, Buckley, Carpenter, Koivisto, Manendo — 5.

Senate Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 7:33 p.m.

ASSEMBLY IN SESSION

At 8:07 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 253 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 253.

Bill read third time.

The following amendment was proposed by Assemblymen Humke, Anderson, Ernaut, Evans, Freeman and Gustavson:

Amendment No. 1115.

Amend sec. 5, page 3, line 16, by deleting "*shall review*" and inserting: "*shall:*

(a) Review".

Amend sec. 5, page 3, between lines 22 and 23, by inserting:

"*(b) Study whether removing the authority of the board of county commissioners of Washoe County to impose a certain additional vehicle privilege tax is a prudent act which is in the best interests of this state.*".

Amend sec. 5, page 3, line 44, by deleting "*review;*" and inserting: "*review and study;*".

Amend sec. 5, page 4, line 5, by deleting: "*investigations and review;*" and inserting: "*investigations, review and study;*".

Amend sec. 5, page 4, line 6, by deleting "*review,*" and inserting: "*review and study,*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblymen Humke, Bache and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 648.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 648:

YEAS — 42.

NAYS — None.

Assembly Bill No. 648 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 452.

Bill read third time.

Remarks by Assemblymen Price and Lambert.

Roll call on Senate Bill No. 452:

YEAS — 42.

NAYS — None.

Senate Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 253 be re-referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Price moved that the vote whereby Assembly Bill No. 499 was refused passage be reconsidered.

Remarks by Assemblymen Price and Humke.

Assemblymen Humke, Nolan and Hettrick requested a roll call on Assemblyman Price's motion.

Roll call on Assemblyman Price's motion:

YEAS — 23.

NAYS — Anderson, Arberry, Bache, Buckley, Cegavske, de Braga, Dini, Freeman, Goldwater, Gustavson, Herrera, Koivisto, Krenzer, Lambert, Marvel, Mortenson, Neighbors, Perkins, Williams — 19.

The motion having received a majority, Mr. Speaker declared it carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 499.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Assembly Bill No. 499:

YEAS — 22.

NAYS — Anderson, Arberry, Bache, Buckley, Cegavske, de Braga, Dini, Evans, Freeman, Goldwater, Gustavson, Herrera, Krenzer, Lambert, Marvel, Mortenson, Ohrenschall, Perkins, Sandoval — 19.

Not voting — Parks.

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

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 80, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

ELLEN M. KOIVISTO	MIKE MCGINNESS
DARIO HERRERA	DINA TITUS
BRIAN SANDOVAL	MAURICE WASHINGTON
Assembly Committee on Conference	*Senate Committee on Conferenc*

Conference Amendment No. 5.

Amend section 1, page 2, line 4, by deleting "*person;*" and inserting "*person.*".

Amend section 1, page 2, line 13, by deleting "*another;*" and inserting "*another.*".

Amend section 1, page 2, by deleting lines 14 through 21 and inserting:

"*(c) "Neglect" means the failure of a person who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person, or who has voluntarily assumed responsibility for his care, to provide food, shelter, clothing or services within the scope of his responsibility or obligation, which are necessary to maintain the physical or mental health of the older person or vulnerable person. For the purposes of this paragraph, a person voluntarily assumes responsibility to provide care for an older or vulnerable person only to the extent that he has expressly acknowledged his responsibility to provide such care.*".

Amend section 1, page 2, line 22, by deleting "*older; and*" and inserting "*older.*".

Assemblywoman Koivisto moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 80.

Remarks by Assemblywoman Koivisto.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 258, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 9, which is attached to and hereby made a part of this report.

CLARENCE W. COLLINS	ERNEST E. ADLER
BERNIE ANDERSON	MAURICE WASHINGTON
BRIAN SANDOVAL	JOSEPH M. NEAL
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 9.

Amend section 1, page 1, line 15, by deleting "certified [record]" and inserting: "[certified record] *verified*".

Amend sec. 2, page 2, line 34, by deleting "*certified* " and inserting "*verified*".

Assemblyman Collins moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 258.

Remarks by Assemblyman Collins.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 30, 65, 150, 151, 188, 205, 221, 222, 233, 242, 260, 270, 279, 336, 344, 348, 350, 367, 370, 374, 387, 407, 409, 513, 515, 522, 535, 556, 557, 573, 583, 585, 594, 599, 601, 606, 615, 626, 659, 660; Assembly Joint Resolutions Nos. 8, 10, 20; Assembly Concurrent Resolutions Nos. 25, 43, 45, 55; Senate Bills Nos. 13, 31, 36, 145, 155, 181, 197, 262, 267, 281, 290, 291, 295, 317, 345, 349, 414, 428, 448, 449, 473, 486, 487; Senate Joint Resolution No. 12.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Maureena Ruff, Alexa Ruff, Shannon Ruff and Gayle McNutt.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Francis.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to John Coleman.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Sims and Robbie Jay.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Stafford.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, July 3, 1997 at 10:30 a.m.

Motion carried.

Assembly adjourned at 8:31 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-FIFTH DAY

CARSON CITY (Thursday), July 3, 1997

Assembly called to order at 10:57 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

Gracious God, on the eve of our nation's independence, we want to thank You for the freedom You give us to know and serve You. Thank You for a nation where an individual's voice can be heard and make a difference. As we look back over the past six months, we ask that our voices, both individually and collectively, have made a positive difference in the State of Nevada. With the finish line in view, we pray for the strength and energy to make it through the home stretch and across the finish line knowing we have served You well. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 409, 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SAUNDRA KRENZER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 405, 549.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 171, 190, 291 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 385, 461, 469.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 150, 275, 363.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 113, 148.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 99; Senate Bills Nos. 80, 258.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, O'Connell and Wiener as a second Committee on Conference concerning Senate Bill No. 122.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, July 3, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 62.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Concurrent Resolutions Nos. 32, 44 be placed on the Resolution File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 33, 70, 384, 464, 504, 531, 540, 545, 578, 617, 625, 636, 657, 663; Senate Bills Nos. 233, 266, 424, 457 be placed on the General File.

Motion carried.

Assembly Concurrent Resolution No. 32.

Resolution read.

Assemblyman Herrera moved the adoption of the resolution.

Remarks by Assemblyman Herrera.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 44.

Resolution read.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblyman Williams.

Resolution adopted, as amended.

Senate Concurrent Resolution No. 62.
Assemblywoman Krenzer moved the adoption of the resolution.
Remarks by Assemblywoman Krenzer.
Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 385.
Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 461.
Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 469.
Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 33.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 33:
YEAS — 42.
NAYS — None.
Assembly Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 70.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 70:
YEAS — 39.
NAYS — Braunlin, Collins, Lee — 3.
Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 384.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Assembly Bill No. 384:

YEAS — 38.

NAYS — Anderson, Goldwater, Herrera, Perkins — 4.

Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Assembly Bill No. 464:

YEAS — 42.

NAYS — None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 504:

YEAS — 42.

NAYS — None.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 531.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 531:

YEAS — 42.

NAYS — None.

Assembly Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 540.

Bill read third time.

Remarks by Assemblymen Bache, Segerblom and Perkins.

Roll call on Assembly Bill No. 540:
YEAS — 42.
NAYS — None.
Assembly Bill No. 540 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 545.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Assembly Bill No. 545:
YEAS — 42.
NAYS — None.
Assembly Bill No. 545 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 578.
Bill read third time.
Remarks by Assemblyman Herrera.
Roll call on Assembly Bill No. 578:
YEAS — 42.
NAYS — None.
Assembly Bill No. 578 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 617.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 617:
YEAS — 42.
NAYS — None.
Assembly Bill No. 617 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 625.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 625:
YEAS — 42.
NAYS — None.

Assembly Bill No. 625 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 636.

Bill read third time.

Remarks by Assemblymen Arberry, Freeman, Evans, Chowning and Humke.

Roll call on Assembly Bill No. 636:

YEAS — 42.

NAYS — None.

Assembly Bill No. 636 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 657.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 657:

YEAS — 42.

NAYS — None.

Assembly Bill No. 657 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 663.

Bill read third time.

Remarks by Assemblymen Krenzer and Goldwater.

Assemblyman Goldwater moved that Assembly Bill No. 663 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Senate Bill No. 372.

Bill read third time.

Remarks by Assemblymen Krenzer and Bache.

Roll call on Senate Bill No. 372:

YEAS — 42.

NAYS — None.

Senate Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 409.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 409:

YEAS — 42.

NAYS — None.

Senate Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 426.

Bill read third time.

Remarks by Assemblymen Collins, Hickey, Evans and Anderson.

Roll call on Senate Bill No. 426:

YEAS — 42.

NAYS — None.

Senate Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 485.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 485:

YEAS — 42.

NAYS — None.

Senate Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblymen Price, Arberry, Perkins, Giunchigliani, Evans, Lambert, Carpenter, Goldwater and Mortenson.

Assemblywoman Giunchigliani moved that Senate Bill No. 233 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 266.

Bill read third time.

Remarks by Assemblymen de Braga, Collins and Bache.

Roll call on Senate Bill No. 266:

YEAS — 42.

NAYS — None.

Senate Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 424.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 424:

YEAS — 42.

NAYS — None.

Senate Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.

Bill read third time.

Remarks by Assemblymen Amodei, Ernaut, Goldwater and Hickey.

Roll call on Senate Bill No. 457:

YEAS — 35.

NAYS — Close, de Braga, Evans, Freeman, Giunchigliani, Herrera, Perkins — 7.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 663.

Bill read third time.

Remarks by Assemblymen Krenzer, Goldwater and Anderson.

Roll call on Assembly Bill No. 663:

YEAS — 42.

NAYS — None.

Assembly Bill No. 663 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 208, 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 668—An Act relating to taxation; exempting the rate of property tax levied for the state from the limitation on the total rate of property taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 419.

The following Senate amendment was read:

Amendment No. 870.

Amend sec. 7, page 2, line 18, by deleting "*book and*" and inserting "*book or*".

Amend sec. 24, page 15, line 15, by deleting "*system.*" and inserting: "*system of wagering.*".

Assemblyman Anderson moved that the Assembly concur in Senate Amendment No. 870 to Assembly Bill No. 419.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1040.

Amend sec. 5, page 1, line 13, after "inclusive," by inserting: "and section 2 of [this act] *Senate Bill No. 345 of this session,*".

Amend sec. 8, page 3, by deleting lines 16 and 17 and inserting:

"(u) Supervisors or managers;

(v) Ticket writers; and

(w) Employees of a person required by NRS 463.160 to be licensed to operate an information service.".

Amend sec. 13, page 5, by deleting lines 24 and 25 and inserting:

"(b) To provide or maintain any information service; or".

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

"Sec. 25. Sections 5, 8 and 13 of this act become effective at 12:01 a.m. on October 1, 1997.".

Assemblyman Anderson moved that the Assembly concur in Senate Amendment No. 1040 to Assembly Bill No. 419.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 456.

The following Senate amendment was read:

Amendment No. 842.

Amend section 1, page 1, line 4, by deleting "*limit in*" and inserting: "*limit:*

(a) In".

Amend section 1, page 1, line 6, by deleting "*conducted shall* " and inserting: "*conducted; and*

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present,
shall ".

Amend section 1, page 1, by deleting line 14 and inserting:

"*2. The penalty imposed for the primary offense and the additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000,*".

Amend section 1, page 2, line 5, by deleting: "*approximately 100 feet*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 456.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 457.

The following Senate amendment was read:

Amendment No. 1044.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided by specific statute or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 1 year, the sentence of a person convicted of a

misdemeanor. [The] *When the circumstances warrant, the* justice of the peace may order [,] as a condition of suspension [,] that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of work for the benefit of the community, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity; [and]

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the justice of the peace [.] *;*

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

2. The justice of the peace may order reports, from such persons and at such times as he deems appropriate, concerning the [offender's] compliance *of the offender* with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

3. The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 2. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. In lieu of imposing any punishment other than a minimum sentence mandated by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the [defendant] *convicted person* and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the [defendant] *convicted person* to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the justice of the peace; and

(b) Require intensive supervision of the convicted person, including electronic surveillance and unannounced visits to his residence or other locations where he is expected to be to determine whether he is complying with the terms of his sentence.

3. *In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:*

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. An electronic device approved by the division of parole and probation of the department of motor vehicles and public safety may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the [person's] presence *of the person* at his residence, including, but not limited to, the transmission of still visual images which do not concern the [person's] activities *of the person* while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the [person's] activities *of the person* while inside his residence,

must not be used.

[4.] *5.* A term of residential confinement, together with the term of any minimum sentence mandated by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

6. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 3. NRS 5.055 is hereby amended to read as follows:

5.055 1. Except as otherwise provided by specific statute or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 1 year, the sentence of a person convicted of a misdemeanor. [The] *When the circumstances warrant, the* municipal judge may order [,] as a condition of suspension [,] that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of work for the benefit of the community, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity; [and]

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the municipal judge [.] ;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.

2. The municipal judge may order reports, from such persons and at such times as he deems appropriate, concerning the [offender's] compliance *of the offender* with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

3. The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 4. NRS 5.076 is hereby amended to read as follows:

5.076 1. In lieu of imposing any punishment other than a minimum sentence mandated by statute, a municipal judge may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the municipal judge shall consider the criminal record of the [defendant] *convicted person* and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the municipal judge shall:

(a) Require the [defendant] *convicted person* to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the municipal judge; and

(b) Require intensive supervision of the convicted person, including electronic surveillance and unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his sentence.

3. *In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:*

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. An electronic device approved by the division of parole and probation of the department of motor vehicles and public safety may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the [person's] presence *of the person*

at his residence, including, but not limited to, the transmission of still visual images which do not concern the [person's] activities *of the person* while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the [person's] activities *of the person* while inside his residence,

must not be used.

[4.] *5.* A term of residential confinement, together with the term of any minimum sentence mandated by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

6. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 5. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The state board of parole commissioners directs the detention facility to admit the person to bail; or

(c) The division of parole and probation of the department of motor vehicles and public safety directs the detention facility to admit the person to bail.

3. *A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:*

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

[4.] *5.* A person arrested for a battery upon his spouse, former spouse, a person to whom he is related by blood, a person with whom he is or was actually residing or with whom he has a child in common, his minor child or a minor child of that person, must not be admitted to bail sooner than 12 hours after his arrest.

[5.] *6.* The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

[6.] *7.* Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

Sec. 6. Chapter 211A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The chief or an assistant may arrest a probationer without a warrant if there is probable cause to believe that the probationer has committed an act that constitutes a violation of a condition of his suspended sentence or residential confinement.

2. Any other peace officer may arrest a probationer upon receipt of a written order by a chief or an assistant stating that there is probable cause to believe that a probationer has committed an act that constitutes a violation of a condition of his suspended sentence or residential confinement.

3. After making an arrest, the chief, assistant or other peace officer shall immediately notify the sentencing court of the arrest of the probationer and shall submit a written report setting forth the act that constituted a violation of a condition of the suspended sentence or residential confinement of the probationer.

4. A chief, an assistant or another peace officer may immediately release from custody without any further proceedings any probationer arrested without a warrant pursuant to this section if he determines that there is not probable cause to believe that the person violated the condition of his suspended sentence or residential confinement.

Sec. 7. NRS 289.180 is hereby amended to read as follows:

289.180 1. The following persons have the powers of a peace officer:

(a) The chief parole and probation officer appointed pursuant to NRS 213.1092 *;* [.]

(b) Assistant parole and probation officers appointed pursuant to NRS 213.1095 [.] *;*

(c) The chief of a department of alternative sentencing established pursuant to NRS 211A.080; and

(d) Assistant alternative sentencing officers of a department of alternative sentencing.

2. A juvenile probation officer or assistant juvenile probation officer whose official duties require him to enforce court orders on juvenile offenders and make arrests has the same powers as a peace officer when performing duties pursuant to NRS 213.220 to 213.290, inclusive, or chapter 62 or 432B of NRS, including the power to arrest an adult criminal offender encountered while in the performance of those duties.

3. A director of juvenile services has the powers of a peace officer in his judicial district when performing duties pursuant to NRS 213.220 to 213.290, inclusive, or chapter 62 or 432B of NRS, including the power to arrest an adult criminal offender encountered while in the performance of those duties.

4. The chief of the youth parole bureau of the division of child and family services in the department of human resources and the parole officers of the bureau have the powers of a peace officer in carrying out the functions of the bureau.

5. A director of a department of family, youth and juvenile services established pursuant to NRS 62.1264 has the powers of a peace officer in the county when carrying out duties pursuant to chapter 62 of NRS, NRS 213.220 to 213.290, inclusive, or chapter 432B of NRS, including the power to arrest an adult criminal offender encountered while carrying out those duties.

[6. The chief of a department of alternative sentencing established pursuant to NRS 211A.080 and the assistant alternative sentencing officers of the department have the powers of a peace officer in the county when carrying out duties pursuant to NRS 211A.090, 211A.110 and 211A.120, including the power to arrest an adult criminal offender or detain a juvenile offender encountered while carrying out those duties.]

Sec. 8. Sections 1 and 3 of this act become effective at 12:01 a.m. on October 1, 1997.

Sec. 9. The amendatory provisions of this act do not apply to offenses that are committed before October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to crimes; authorizing a justice of the peace and a municipal judge to impose certain conditions on a person who is released on a suspended sentence or residential confinement; authorizing a justice of the peace and a municipal judge to issue a warrant for the arrest of a person who has violated a condition of his suspended sentence or residential confinement; providing that certain persons within a department of alternative sentencing have the powers of peace officers; and providing other matters properly relating thereto.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 457.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 353, 541; Senate Bills Nos. 105, 356 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Bills Nos. 208, 318, 489 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1164.

Amend sec. 8, page 6, by deleting lines 3 through 7 and inserting:

"*9. Any party to the appeal before the committee may appeal the decision of the committee to grant or deny the petition to the district court. A party must file such an appeal not later than 20 days after the date of the decision of the committee.*".

Amend sec. 10, page 7, by deleting lines 3 through 19.

Amend sec. 14, page 10, line 18, after "*establishment*" by inserting: "*within a gaming enterprise district*".

Amend sec. 14, page 10, line 19, after "*is*" by inserting "*also*".

Amend sec. 19, page 13, by deleting lines 3 and 4 and inserting:

"Sec. 19. The amendatory provisions of this act do not apply to:

1. An establishment that holds a nonrestricted license for a resort hotel on the".

Amend sec. 19, page 13, by deleting lines 8 through 10 and inserting: "owned or leased, on the effective date of this act, by the same person or entity, or any affiliate of the person or entity, which owns or leases the property on which the establishment is located; or

2. The location of a proposed establishment if:

(a) The property line of the proposed establishment is:

(1) Within 1,500 feet from the centerline of the Boulder Highway;

(2) South of the intersection of the Boulder Highway and Race Track Road; and

(3) North of the northern edge line of Railroad Pass; and

(b) The local governing body having jurisdiction over the location of the proposed establishment granted all approvals for land use for the proposed establishment before the effective date of this act and those approvals were unexpired on that date.".

Amend sec. 21, page 13, line 20, by deleting: "2, 3 and 4," and inserting: "2 to 6, inclusive,".

Amend sec. 21, page 13, line 28, by deleting "1999," and inserting "1998,".

Amend sec. 21, page 13, by deleting line 43 and inserting:

"5. The provisions of subsection 1 do not apply to a location that was designated a gaming enterprise district before June 28, 1997, if the location:

(a) Is 20 contiguous acres or more and was located in the unincorporated area of the county on the effective date of this act;

(b) Is within 1,500 feet from an interstate highway interchange that was located in the unincorporated area of the county on the effective date of this act;

(c) Is within 1,500 feet from the Las Vegas Boulevard gaming corridor; and

(d) Is within 1,500 feet from a parcel of land on which a licensed resort hotel was operated or located within the 2 years immediately preceding the effective date of this act.

6. The provisions of subsection 1 do not apply to a location that was designated a gaming enterprise district before June 28, 1997, if the location:

(a) Is owned or leased by a nonrestricted licensee or its affiliate;

(b) Is 20 contiguous acres or more and was located in the unincorporated area of the county on the effective date of this act; and

(c) Is within 1,500 feet from a parcel of land on which a licensed resort hotel was operated or located on the effective date of this act.

7. If the designation of a location as a gaming enterprise district expires".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Senate Bill No. 208 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Chief Clerk's desk.

Senate Bill No. 318.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1165.

Amend section 1, page 1, line 2, by deleting "2" and inserting "2, 2.5".

Amend sec. 2, page 1, by deleting lines 3 through 6 and adding new sections designated sections 2 and 2.5, following section 1, to read as follows:

"Sec. 2. *"Televised broadcast" means an audio and video transmission of a race, or series of races, as it occurs at a track that is broadcast by a television broadcast station or transmitted by a cable television system or a satellite television distribution service.*

Sec. 2.5. *An operator of a race book licensed in this state may use a televised broadcast to maintain and operate the race book, including, without limitation, the determination of and payoffs on wagers.*".

Amend the bill as a whole by adding new sections designated sections 3.3 and 3.7, following sec. 3, to read as follows:

"Sec. 3.3. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.0197, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 3.7. NRS 463.0147 is hereby amended to read as follows:

463.0147 "Disseminator" means any person who furnishes an operator of a race book [, sports pool or gambling game] who is licensed in this state with information relating to horse racing or other racing which is used to determine winners of or payoffs on wagers accepted by the operator. The term does not include a [person who provides a] *television broadcast station, or operator of a cable television system or satellite distribution service that provides a* televised broadcast . [without charge to any person who receives the broadcast.]".

Amend the bill as a whole by adding a new section designated section 5.5, following sec. 5, to read as follows:

"Sec. 5.5. NRS 463.430 is hereby amended to read as follows:

463.430 1. [It] *Except as otherwise provided in subsection 2, it* is unlawful for any person in this state to receive, supply or disseminate in this state by any means information received from any source outside of this state concerning racing, when the information is to be used to maintain and operate any gambling game and particularly any race book, except off-track pari-mutuel wagering for which the user is licensed pursuant to chapter 464 of NRS, without first having obtained a license so to do as provided in NRS 463.430 to 463.480, inclusive.

2. The provisions of this section do not apply to:

(a) Any person who provides a televised broadcast which is presented without charge to any person who receives the broadcast.

(b) Any licensee who has been issued a gaming license and receives from or supplies to any affiliated licensee, by means of a computerized system for

bookmaking used by the licensee and the affiliated licensee, information concerning racing.

(c) An operator of a race book licensed in this state that uses a televised broadcast to maintain and operate the race book, including, without limitation, the determination of or payoffs on wagers.

3. For the purposes of this section:

(a) Any broadcasting or display of information concerning racing held at a track which uses the pari-mutuel system of wagering is an incident of maintaining and operating a race book.

(b) "Affiliated licensee" means any person to whom a valid gaming license or pari-mutuel wagering license has been issued that directly, or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with, a licensee.".

Amend sec. 6, page 3, line 39, by deleting "*or*".

Amend sec. 6, page 3, line 41, by deleting "*wager.*" and inserting "*wager; or*

(c) Increase the payoff of, or pay a bonus on, a winning off-track pari-mutuel wager.".

Amend sec. 7, page 5, line 3, by deleting "*Three*" and inserting "*Two*".

Amend sec. 7, page 5, by deleting line 7 and inserting:

"*(c) Two other members.*".

Amend sec. 7, page 5, by deleting line 13 and inserting: "*wagering committee pursuant to subsection 5, the commission shall:*

(a) Grant to".

Amend sec. 7, page 5, line 16, by deleting "(a)" and inserting "[(a)] *(1)*".

Amend sec. 7, page 5, line 18, by deleting "(b)" and inserting "[(b)] *(2)*".

Amend sec. 7, page 5, between lines 19 and 20, by inserting:

"*(b) Require the off-track pari-mutuel wagering committee to grant to each person licensed pursuant to this chapter to operate an off-track pari-mutuel race pool the right to receive, on a fair and equitable basis, all services concerning wagering in such a race pool that the committee has negotiated to bring into or provide within this state.*".

Amend sec. 13, page 6, line 18, after "*wager*" by inserting: "*placed by a person for his own benefit or, without compensation, for the benefit of another*".

Amend sec. 13, page 6, line 20, by deleting "*this chapter,*" and inserting: "*chapter 463 of NRS,*".

Amend the bill as a whole by adding a new section designated sec. 13.3, following sec. 13, to read as follows:

"Sec. 13.3. Section 4 of Senate Bill No. 345 of this session is hereby amended to read as follows:

Sec. 4. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.0197, inclusive, [and] section 2 of [this act] *Senate Bill No. 318 of this session and section 2 of this act* have the meanings ascribed to them in those sections.".

Amend sec. 15, page 6, lines 35 and 36, by deleting: "is hereby dissolved." and inserting: "may be dissolved by the commission upon appointment of a committee pursuant to NRS 464.020 after the effective date of this act.".

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. The amendatory provisions of sections 2, 2.5, 3.3, 3.7 and 5.5 of this act become effective when the Nevada gaming commission adopts regulations to govern the use of televised broadcasts which ensure the integrity of results of races, and upon a recommendation of the state gaming control board, and expire by limitation on December 31, 1997, if such regulations have not been adopted.".

Amend the title of the bill to read as follows: "An Act relating to gaming; making various changes concerning the use of televised broadcasts; authorizing the state gaming control board to permit an establishment to relocate and transfer its license to a new location in certain circumstances; providing that certain information relating to applicants and licensees is confidential; prohibiting certain acts relating to wagering; revising certain provisions relating to off-track pari-mutuel wagering; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1122.

Amend sec. 10, page 3, by deleting lines 16 and 17 and inserting:

"Sec. 10. *To the extent that money is available in the aging services division's gift account:*".

Amend the bill as a whole by deleting sec. 12 and renumbering sec. 13 as sec. 12.

Amend the title of the bill, second and third lines, by deleting: "making an appropriation;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 353.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1129.

Amend sec. 29, page 18, line 26, by deleting "$1,700,000" and inserting "$300,000".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 1143.

Amend sec. 6, pages 3 and 4, by deleting lines 34 through 43 on page 3 and lines 1 through 44 on page 4 and inserting:

"Sec. 6. *1. The board of trustees of a school district in a county whose population is 100,000 or more shall establish an oversight panel for school facilities, consisting of 11 members selected as follows:*".

Amend sec. 6, page 5, line 30, by deleting "*5.*" and inserting "*2.*".

Amend sec. 7, page 5, line 33, after "*district*" by inserting: "*in a county whose population is 100,000 or more*".

Amend sec. 8, page 5, by deleting line 39 and inserting: "*oversight panel for school facilities established in a county whose population is 100,000 or more pursuant to section 6 of this act and each board of trustees of a school district in a county whose population is less than 100,000*".

Amend sec. 8, page 6, line 1, by deleting "*400,000*" and inserting "*100,000*".

Amend sec. 18, page 13, lines 15 and 16 by deleting: "*in a county whose population is 400,000 or more*".

Amend sec. 18, page 13, by deleting lines 23 and 24 and inserting: "*approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to section 6 of this act in that county, if the*".

Amend sec. 24, page 17, line 9, after "facilities" by inserting: "and each board of trustees in a county whose population is 100,000 or more".

Amend sec. 25, page 17, by deleting line 29 and inserting: "school facilities established in a county whose population is 100,000 or more pursuant to section 6 of this act and each board of trustees of a school district in a county whose population is less than 100,000 shall:".

Amend sec. 25, page 17, line 39, by deleting "400,000" and inserting "100,000".

Amend sec. 26, page 18, by deleting lines 3 and 4 and inserting: "each oversight panel for school facilities established in a county whose population is 100,000 or more pursuant to section 6 of this act and each board of trustees of a school district in a county whose population is less than 100,000 shall submit to the director of the legislative counsel".

Amend sec. 26, page 18, line 8, by deleting "400,000" and inserting "100,000".

Amend sec. 27, page 18, line 15, by deleting "created": and inserting: "established in a county whose population is 100,000 or more".

Amend the title of the bill to read as follows: "An Act relating to governmental administration; revising provisions governing the review of plans for school facilities; authorizing school districts to enter lease agreements for school facilities with an option to purchase the facilities; requiring the boards of trustees of school districts in certain counties to establish oversight panels for school facilities; prescribing the membership and duties of the oversight panels; increasing the room tax fee and the real property transfer tax for the support of capital projects of school districts; authorizing the board of trustees of each school district to issue bonds without holding an election in certain circumstances; creating the state planning commission for school facilities; prescribing the membership and duties of the commission; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Lambert, Anderson and Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 541.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 541:

YEAS — 33.

NAYS — Amodei, de Braga, Dini, Marvel, Neighbors, Sandoval, Tiffany — 7.

Not voting — Carpenter, Lee — 2.

Assembly Bill No. 541 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Senate Bill No. 105:

YEAS — 42.

NAYS — None.

Senate Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 356.

Bill read third time.

Remarks by Assemblyman Amodei.

Roll call on Senate Bill No. 356:

YEAS — 42.

NAYS — None.

Senate Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 12:52 p.m.

ASSEMBLY IN SESSION

At 5:15 p.m.

Mr. Speaker presiding.

All present except Assemblyman Hettrick, who was excused.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 667, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bill No. 482; Senate Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 3, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 11, 74, 208, 312, 468, 517 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 493.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 261, 400, 427.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended Senate Concurrent Resolutions Nos. 10, 21, 60.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 10.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 21.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 60.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 261.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 400.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 427.

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

Motion carried.

Senate Bill No. 493.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 482; Senate Bill No. 464 be placed on the Second Reading File.

Motion carried.

Assemblyman Price moved that Senate Bill No. 464 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that Senate Bills Nos. 436, 489 be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1153.

Amend the bill as a whole by deleting sections 1 through 42 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 366.203 is hereby amended to read as follows:

366.203 1. Special fuel which is exempt from the tax pursuant to [subsection 1 of] NRS 366.200 must be dyed before it is removed for distribution from a rack. The dye added to the exempt special fuel must be of the color and concentration required by the regulations adopted by the Secretary of the Treasury pursuant to 26 U.S.C. § 4082.

2. [A] *Except as otherwise provided in subsection 3, a* person shall not operate or maintain on any highway in this state a motor vehicle which contains in the fuel tank of that vehicle special fuel which has been dyed.

3. *A person who, pursuant to subsection 2, 3 or 4 of NRS 366.200 is exempt from the tax imposed by this chapter, may operate or maintain a motor vehicle on a highway in this state which contains in the fuel tank of that vehicle special fuel which has been dyed.*

4. There is a rebuttable presumption that all special fuel which has not been dyed and which is sold or distributed in this state is for the purpose of propelling a motor vehicle.

Sec. 2. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows: "An Act relating to special fuel; authorizing the operation or maintenance of certain motor vehicles on the highways of this state which are propelled by special fuel that is dyed and exempt from the tax imposed on that fuel; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Authorizes operation or maintenance of certain motor vehicles on highways of this state which are propelled by special fuel that is dyed and exempt from tax imposed on that fuel. (BDR 32-1661)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 667.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Assembly Bill No. 667:

YEAS — 41.

NAYS — None.

Excused — Hettrick.

Assembly Bill No. 667 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 403.

Bill read third time.

Remarks by Assemblymen Price, Freeman and Carpenter.

Roll call on Senate Bill No. 403:

YEAS — 41.

NAYS — None.

Excused — Hettrick.

Senate Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Remarks by Assemblymen Anderson, Sandoval, Chowning, Price and Bache.

Roll call on Senate Bill No. 469:

YEAS — 33.

NAYS — Bache, Ernaut, Evans, Giunchigliani, Gustavson, Hickey, Perkins, Tiffany — 8.

Excused — Hettrick.

Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 436 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 233 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 489.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Segerblom.

Roll call on Senate Bill No. 489:

YEAS — 40.

NAYS — Carpenter.

Excused — Hettrick.

Senate Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Joint Resolution No. 3 of the 68th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 3 of the 68th Session.

Resolution read third time.

Remarks by Assemblyman Herrera.

Roll call on Senate Joint Resolution No. 3 of the 68th Session:

YEAS—37.

NAYS—Bache, Freeman, Giunchigliani, Lambert—4.

Excused—Hettrick.

Senate Joint Resolution No. 3 of the 68th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 5:50 p.m.

ASSEMBLY IN SESSION

At 6:24 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Senate Concurrent Resolutions Nos. 10, 21, 53, 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Joint Resolution No. 14 of the 68th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 3, 35, 135, 385, 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 3, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 184, 296, 319, 436, 634, 644, 664.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 306, 437, 453, 460, 466, 512, 521, 524 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 251, 328, 402.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 470 and requests a conference, and appointed Senators Adler, Jacobsen and McGinness as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 398.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Augustine, Rhoads and Schneider as a first Committee on Conference concerning Senate Bill No. 242.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Concurrent Resolutions Nos. 10, 21, 53, 60 be placed on the Resolution File.

Motion carried.

Assemblyman Price moved that Senate Bill No. 464 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 57—Directing the Legislative Commission to conduct an interim study of the system of juvenile justice in the State of Nevada.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Senate Concurrent Resolution No. 10.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.

Senate Concurrent Resolution No. 21.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.

Senate Concurrent Resolution No. 53.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.

Senate Concurrent Resolution No. 60.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.

SECOND READING AND AMENDMENT

Senate Bill No. 464.
Bill read second time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 1128.
Amend sec. 2, page 1, line 6, after the period by inserting: "*A person may be licensed as a wholesale dealer and as a retail dealer.*".
Amend sec. 4, page 2, line 10, by deleting: "other than a wholesale dealer" and inserting: "[other than a wholesale dealer]".
Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:
"Sec. 4.5. NRS 370.450 is hereby amended to read as follows:
370.450 1. [There] *Except as otherwise provided in subsection 2, there* is hereby imposed upon the purchase or possession of products made from tobacco, other than cigarettes, by a customer in this state a tax of 30 percent of the wholesale price of those products.
2. The provisions of subsection 1 do not apply to those products which are [shipped] *:*
(a) Shipped out of the state for sale and use outside the state [.] *; or*
(b) Displayed or exhibited at a trade show, convention or other exhibition in this state by a manufacturer or wholesale dealer who is not licensed in this state.

3. This tax must be collected and paid by the wholesale dealer to the department before the sale of [such] *those* products to the customer. The wholesale dealer is entitled to retain 2 percent of the taxes collected to cover the costs of collecting and administering the taxes.

4. Any wholesale dealer who sells any [such] *of those* products without first paying the tax provided for by this section is guilty of a misdemeanor.".

Amend the title of the bill, fifth line, after "taxation;" by inserting: "clarifying the application of the tax imposed on products made from tobacco other than cigarettes to certain manufacturers or wholesale dealers who are not licensed in this state;".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblymen Price and Giunchigliani.

Roll call on Senate Bill No. 233:

YEAS—41.

NAYS—None.

Excused—Hettrick.

Senate Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblymen Von Tobel and Cegavske.

Potential conflict of interest declared by Assemblywoman Cegavske.

Roll call on Senate Bill No. 3:

YEAS—41.

NAYS—None.

Excused—Hettrick.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 35:
YEAS—41.
NAYS—None.
Excused—Hettrick.
Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 135.
Bill read third time.
Remarks by Assemblyman Humke and Anderson.
Roll call on Senate Bill No. 135:
YEAS—41.
NAYS—None.
Excused—Hettrick.
Senate Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 229.
Bill read third time.
Remarks by Assemblyman Close.
Roll call on Senate Bill No. 299:
YEAS—41.
NAYS—None.
Excused—Hettrick.
Senate Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 385.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Arberry.
Roll call on Senate Bill No. 385:
YEAS—40.
NAYS—None.
Not voting—Evans.
Excused—Hettrick.
Senate Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 476.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 476:

YEAS—41.

NAYS—None.

Excused—Hettrick.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 14 of the 68th Session.

Resolution read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Joint Resolution No. 14 of the 68th Session:

YEAS—41.

NAYS—None.

Excused—Hettrick.

Senate Joint Resolution No. 14 of the 68th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 12 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 12.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1166.

Amend section 1, pages 1 and 2, by deleting lines 16 and 17 on page 1 and lines 1 through 13 on page 2 and inserting: "*3. Except as otherwise provided in subsection 4, at least once every 6*".

Amend section 1, page 2, by deleting line 19 and inserting: "*4. The provisions of subsection 3 are not applicable if the level of*".

Amend sec. 2, page 2, line 22, after "inclusive," by inserting: "and section 1 of [this act,] *Assembly Bill No. 240 of this session,*".

Amend sec. 2, page 2, line 34, by deleting "subsection 3" and inserting "subsection 4".

Amend the bill as a whole by deleting sec. 4, renumbering sec. 5 as sec. 4 and adding a new section designated sec. 5, following sec. 5, to read as follows:

"Sec. 5. 1. This section and section 3 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Amend the bill as a whole by deleting sections 6 and 7.

Amend the title of the bill by deleting the second through sixth lines and inserting: "and public safety; requiring the division to set and review periodically the level of supervision for certain probationers; requiring the division to review periodically the level of supervision for certain parolees; increasing the fee a parolee or probationer must pay to defray the cost of supervision; requiring the".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 11.

The following Senate amendment was read:

Amendment No. 972.

Amend sec. 3, page 1, line 5, after "*in*" by inserting: "*subsection 6 and*".

Amend sec. 3, page 2, between lines 22 and 23, by inserting:

"*6. The administrator of the aging services division of the department of human resources may exempt a residential facility for groups from the requirement of filing a surety bond pursuant to this section if the administrator determines that the requirement would result in undue hardship to the residential facility for groups.*".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 11.

Remarks by Assemblymen Freeman, Evans and Buckley.

Amendment adopted.

Bill ordered enrolled.

Assembly Bill No. 74.

The following Senate amendment was read:

Amendment No. 991.

Amend section 1, page 2, line 13, after "*Development.*" by inserting: "*If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application for conveyance of a nonprofit organization that demonstrates to the satisfaction of the board that the organization will use the property to develop affordable housing for persons who are disabled or elderly.*".

Amend sec. 3, page 4, line 4, after "*Development.*" by inserting: "*If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an application for conveyance of a nonprofit organization that demonstrates to the satisfaction of the governing body that the organization will use the property to develop affordable housing for persons who are disabled or elderly.*".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 74.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 468.

The following Senate amendment was read:

Amendment No. 978.

Amend section 1, page 1, line 3, by deleting "*All* " and inserting: "*In accordance with the policy of the board of regents, all* ".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 468.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 517.

The following Senate amendment was read:

Amendment No. 992.

Amend sec. 2, pages 3 and 4, by deleting lines 17 through 43 on page 3 and lines 1 through 23 on page 4 and inserting:

"244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or demolish a dangerous structure;

(b) Clear debris, rubbish and refuse which is not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth,

[in order] to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by [registered or] certified mail, return receipt requested, of the existence on his property of a condition set forth in subsection 1 and the date by which he must abate the condition; and

(2) Afforded an opportunity for a hearing before the designee of the board and an appeal of that decision to the board.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision . [and for the period during which the owner appeals that decision.]

(c) Provide the manner in which the county will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was required to abate the condition.

3. The board or its designee may direct the county to abate the condition on the property and may recover the amount expended by the county for labor and materials used to abate the condition if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on his property within the period specified in the notice.

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order.

(c) The board has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

4. In addition to any other reasonable means of recovering money expended by the county to abate the condition, the board may provide that the expense is a lien upon the property upon which such a condition is located. The lien must be perfected by:

(a) Mailing by [registered or] certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his last known address, as determined by the real property assessment roll in the county in which the property is located; and

(b) Filing with the county recorder of the county in which the property is located, a statement of the amount due and unpaid and describing the property subject to the lien.".

Amend the bill as a whole by adding new sections designated sections 7.2 and 7.4, following sec. 7, to read as follows:

"Sec. 7.2. Section 1 of Senate Bill No. 296 of this session is hereby amended to read as follows:

Section 1. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in [subsection 2,] *this section,* anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, including, without limitation, a building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043, is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. As used in this section, "shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

Sec. 7.4. Section 2 of Senate Bill No. 296 of this session is hereby amended to read as follows:

Sec. 2. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the state.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted without a license as provided by law;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043 is unlawfully sold, served, stored, kept, manufactured, used or given away; or

(f) Where vagrants resort,

is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

is a public nuisance.

4. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

5. A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

6. As used in this section, "shooting range" has the meaning ascribed to it in NRS 40.140.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 517.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 148, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Herrera, Humke and Giunchigliani as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 148.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman de Braga moved that the Assembly do not recede from its action on Senate Bill No. 398, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen de Braga, Neighbors and Carpenter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 398.

Mr. Speaker appointed Assemblymen de Braga, Carpenter and Sandoval as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 470.

REMARKS FROM THE FLOOR

Mr. Speaker requested Assemblywoman de Braga's remarks regarding Senate Bill No. 266 be entered in the Journal.

ASSEMBLYWOMAN DE BRAGA:

Thank you, Mr. Speaker. Senate Bill 266 revises provisions for the state's regulation of highly hazardous materials, or HHS. The bill says facilities handling HHS in certain amounts are subject to CAPP. Facilities handling smaller quantities of HHS are subject to CAPP if they have two or more releases in a year. The bill adds TICL-4 to the list of HHS, makes corrections to the list, and includes local health districts among the entities to be consulted when DEP examines information on HHS.

S.B. 266 also authorizes DCNR to accept authority and money for the RMP program to prevent accidental releases of HHS under the federal CAA. It authorizes SEC to adopt RMP regulations, including penalties, and direct DEP to enforce the RMP.

The CAPP-related provisions are effective on P&A.

Because this is a difficult subject, let me summarize by explaining. S.B. 266 leaves OHSA's PSM standard under state OSHES of the DIR of the DB&I, and puts the RMP under the DEP of the DCNR, which oversees the CAPP. The agencies can still enter into MOUs and transport permits may be required by DMV. It charges SEC with adopting RMP regs and directs DEP to enforce the RMP.

And finally, Mr. Speaker, written testimony submitted to NATRAM also made reference to PMS, but we believe that was unintentional.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Chairman Goldwater, I have to respond, because quite frankly, your appointment as chairman of the committee did not meet with popular approval throughout the State of Nevada. However, you have proven yourself and done a nice job. I compliment you for working so hard for some big issues for the State of Nevada. We are going to digress from the program for just a minute. We have some plaques to give out. Paula, my administrative secretary, is here to hand them out. I'd like to call Bernie Anderson up to get his plaque as Chairman of Judiciary. We are very proud of Bernie and the great job he has done. He has had a ton of bills, probably the most bills in any committee in either house, and he did an excellent job. Thank you for all your hard work.

Mr. Arberry is Chairman of Ways and Means. The old Moose is at it. What can we say about Moose? He is there and he worked hard. He worked his committee hard, and I will tell you this, 7:00 or 7:30 a.m. is tough, especially in the middle of winter. Let's give Moose a big hand for a beautiful job.

The next one is a hard worker and has done a heck of a job for Government Affairs. Doug Bache, please come down. Doug has done a beautiful job in Government Affairs, I'll tell you. Good chairman. Of course, that is my favorite committee because I chaired it for five terms, but I'll tell you Doug did a beautiful job. Just as good as the old man could have done. Probably better. The issues are a lot more now than when I started.

Mrs. Chowning, Chairman of Transportation. Vonne, thank you for all your fine work. You have been a great chairman. I think Transportation really established itself as a credible committee this year because of your leadership. Thank you.

We have a little lady here from the cow counties that took on a committee that is a hot spot for her. She may or may not agree with the particular bills that come to her committee but she handled everything very well and Marcia de Braga how about you stepping up here? Marcia, you did a wonderful job. I'll tell you, you took care of the bills you had to take care of and you killed the ones I told you to kill. Great!

Vivian Freeman is our Chairman of Health and Human Services. Vivian, you are the old workhorse here that works hard on the tough issues of welfare and child support. Vivian, thank you for being a great chairman.

Now, a slightly controversial character is Chris Giunchigliani, Chairman of Elections, Procedures, and Ethics. Chris, come on down. I appreciate all your efforts. I thought you did a beautiful job this year in Elections, Procedures, and Ethics. You have done a lot of work, because you are a strong chairman that makes things happen. I really am proud of that committee, and your work as chairman.

Mr. Goldwater, Chairman of Infrastructure. Come on down, Goldie! You know, I was criticized for forming an Infrastructure Committee by some colleagues down the hall. They said I shouldn't have done that. But I thought the issue was important enough for the State of Nevada and for the major counties in this state to form that committee, and I am still proud of the fact that I formed the committee and that I put Dave Goldwater as chairman. You did an excellent job and got the big ones out.

The next one is Sandi Krenzer, Chairman of Labor and Management. Sandi, you worked hard and did a good job. We got a lot of strong legislation through for your committee because of your guidance and help to do things right. We congratulate you and thank you for your efforts.

We have a guy who I really love like a son, and his efforts this session are not only reflected as Chairman of Commerce, but also as Majority Leader. I would like to thank Richard Perkins. Richard has certainly done a great job as chairman of commerce. He handled the big issues; he has been able to resolve them and certainly has proved himself to be a major committee chairman. Richard, thanks for all your efforts, and without you we probably would be hanging around for a couple more weeks.

Mr. Price, Chairman of Taxation. Bob is Mr. Reliable. He has been here a long time. He started out the session ill and in a wheel chair. Each day I could see him coming on stronger. His committee has handled big time stuff here at the end. There is one thing about it, Bob Price will handle legislation when he gets it and always does a good job. Bob, thank you very much.

Last but not least, Wendell Williams, Chairman of Education. Wendell, you had a lot of hot issues in your committee. You know education and you are dedicated to the kids in this state and I am proud of you. Congratulations and thanks for all your effort this session.

We have a few leadership plaques to give out. The first one is Jan Evans, Speaker pro Tempore. Jan did a beautiful job and she is there anytime I need her. We were in consultation throughout the session and whatever I wanted she asked if she could help. She presided beautifully, and wouldn't be bad up here permanently. I love that idea. Thanks for all your help and cooperation this session. I really appreciate it.

I have already spoken about my majority floor leader. He is a young man from Henderson, but he has a lot of background and lots of good heritage involved in Henderson. When I first came to the Legislature, Hall Smith from Henderson taught me how to be a chairman of a committee. Jack Jeffrey from Henderson taught me how to be a politician, and this man is a combination of both. Richard, thank you so much for your job as Majority Leader.

We have a young lady that kind of drifted by last session, and has been an instant favorite in this chamber. Ms. Buckley, would you please come front and center? Barbara, you have done a wonderful job. You are really a stabilizing force. You have been everywhere we needed you. Your job hasn't ended yet because in the next couple of days, we are going to need your expertise on a few ticklish issues. Lets give Barbara another big hand.

Mr. Williams, Majority Whip. Wendell, I want to thank you for handling the position of Majority Whip. I know that you worked hard. A lot of our outlaw Democrats don't like all the

programs the Democrats may propose, but usually we got the votes because of your efforts and we thank you so much.

Ms. Krenzer, the Assistant Majority Whip. Sandi, I know a lot of the bills we pushed, worked on, and got passed were because of you working with Wendell. We congratulate you for an excellent job well done.

This is a big guy who has done a remarkable job coordinating the Senate with the Assembly. He belongs to the minority in the chamber, but you have to say he has a definite influence on the session. He is one of the greatest kids I have ever known from Elko, even if he grew up with the sheep. Pete Ernaut, step up here. Pete has been a great leader and helped us considerably with the Senate, and helped us pass good legislation in this house because he was willing to work in a bipartisan manner. From the bottom of my heart, I certainly appreciate your efforts, Pete.

Ms. Braunlin, Minority Whip. Deanna has done a great job in this Chambers, and I especially thank her for all her work and help on electric restructuring. I know you probably were out there getting votes for the Republicans all the time but I can't help that. You have done a beautiful job here, and I congratulate you and thank you for being part of the team.

This is a name I have trouble pronouncing, especially when I have the wrong glasses on. Ms. Cegavske, Assistant Minority Whip. Barbara, I want to thank you very much for all your efforts. It has been a pleasure working with you, especially in Ways and Means. I know you were out there hustling votes too, but I forgive you.

ASSEMBLYMAN PERKINS:

Mr. Speaker, with your indulgence, I have a presentation for you. If you would allow me to approach the rostrum. No, I am not trying to get comfortable up here. You know, we have had a lot of opportunities this session to speak about our Speaker. The records he has set in these chambers, the effect he has had on state policy, and just the fact that it is such an honor to serve with a man such as Joseph E. Dini, Jr. from Yerington. It is something that we will remember for a long, long time. It is a part of history, and it is something I am at a loss for words to properly describe. I took it upon myself to get this item for Mr. Speaker. It has a small inscription on it that says, "Presented to Speaker Joe Dini from Majority Leader Richard Perkins on behalf of the 69th Legislative Assembly, State of Nevada, 1997."

ASSEMBLYMAN DINI:

That is beautiful. Thank you so very much. Thank you each and every one of you for making this a great session. Richard, that is beautiful.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker, for all of your help, and I guess since we are doing these types of things, it means we are close to going home.

ASSEMBLYMAN ERNAUT:

Thank you Mr. Speaker, I would be remiss if the minority did not speak to the presentation to the Speaker. Obviously our leader, Mr. Hettrick, would certainly want to get up and commend you on a fantastic session. Lynn and I obviously had a common bond with a man named Lou Bergevin who was a mentor to not only us but also many people in this body. When we reluctantly saw him leave this process, Lynn and I got to sit with him one day as we were coming into our freshman session. The last piece of advice he gave us was to stay close to Joe Dini. He is a good man, a fair man, and regardless of party and region, he is the man that would make it happen in the Assembly and for the State of Nevada. That advice has always done me well. It has always done others well in this body, those who have come and those who have gone. From our standpoint, we are very flattered to have served with you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Jenna Giannosa.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Chelsea Jensen.

Assemblyman Perkins moved that the Assembly adjourn until Friday, July 4, 1997 at 9 a.m.

Motion carried.

Assembly adjourned at 7:26 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-SIXTH DAY

CARSON CITY (Friday), July 4, 1997

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hettrick and Segerblom, who were excused.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

Lord God, You know as well as we do what day it is. As we celebrate freedom, many of us long to be set free from this room and the work before us to be with our family and friends. Set us free from the weariness, frustration and distractions that burden us. Instead, fill us with creativity, patience and renewed strength of purpose. Put a smile on our faces and help us to laugh and enjoy the close of our time with one another. We pray this in the Name of the One who offers joy and freedom to all. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Infrastructure, to which was referred Senate Bill No. 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 480, 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 256, 450, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 3, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day appointed Senators Rawson, O'Donnell and Coffin as a first Committee on Conference concerning Senate Bill No. 209.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 314.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 38 and requests a second conference, and appointed Senators James, Regan and Wiener as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 38.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 669—An Act relating to the University and Community College System of Nevada; authorizing certain capital projects at the campuses in Las Vegas and Reno; authorizing the issuance of general obligations of the state to pay the cost of the projects; pledging certain revenues as additional security for those obligations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 670—An Act relating to projects of capital improvement; making appropriations from the state general fund and the state highway fund; providing for the issuance of general obligation bonds of

the state; authorizing certain expenditures by the State Public Works Board; requiring the repayment for certain projects by certain state agencies; levying a property tax to support the consolidated bond interest and redemption fund; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 353.

Bill read third time.

Remarks by Assemblymen Lambert, Goldwater and Giunchigliani.

Assemblywoman Giunchigliani moved that Assembly Bill No. 353 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Senate Bill No. 318:

YEAS — 39.

NAYS — None.

Not voting — Dini.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 302.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 302:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 12:20 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Senate Concurrent Resolution No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 235, 293, 427, 461, 463, 468, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 271 be re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 310.

Bill read third time.

Remarks by Assemblymen Sandoval, Collins and Anderson.

Roll call on Senate Bill No. 310:

YEAS — 38.

NAYS — Anderson, Mortenson — 2.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 310 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 283.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 283:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 235:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 293:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 427.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 427:

YEAS — 38.

NAYS — Evans.

Not voting — Krenzer.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 461:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 463:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 468.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 468:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 493.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 493:

YEAS — 34.

NAYS — Amodei, Bache, Collins, Freeman, Giunchigliani, Gustavson — 6.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 86, 234, 256, 450, 480, 488 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 482; Senate Bills Nos. 12, 285, 464 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Concurrent Resolution No. 46 be placed on the Resolution File.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 320 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Senate Concurrent Resolution No. 46.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblyman Williams.

Resolution adopted.

SECOND READING AND AMENDMENT

Senate Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1097.

Amend sec. 2, page 3, by deleting line 4 and inserting: "paying an additional charge or fee . [, unless such a living arrangement constitutes a violation of chapter 315 of NRS.] No agreement between a tenant and his".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 489.288 is hereby amended to read as follows:

489.288 1. A local governing body may adopt ordinances and regulations which, except for ordinances and regulations regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244, are [no] *not* more stringent than the provisions of this chapter, the regulations adopted pursuant to this chapter

and applicable federal statutes and regulations. Compliance with an ordinance or regulation of a local governing body does not excuse any person from compliance with this chapter and the regulations adopted pursuant to this chapter.

2. The provisions of this chapter and the regulations adopted pursuant to this chapter supersede and preempt any ordinance or regulation of a local governing body that is more stringent than those provisions, except for an ordinance or regulation regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244.

3. A local governing body may not enact or enforce any zoning ordinance or regulation that distinguishes between:

(a) A manufactured home that is manufactured not more than 5 years before it is installed and complies with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq.); and

(b) A manufactured home that complies with the Uniform Building Code, as that code existed on October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to manufactured housing; expanding the circumstances under which a landlord may provide a discount against the rent owed by a tenant in a mobile home park; prohibiting a local governing body from enacting a zoning ordinance or regulation that distinguishes between certain manufactured homes that comply with different building standards; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to mobile home parks and manufactured homes. (BDR 10-443)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 353 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 234.

Bill read second time.

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

Amendment No. 1114.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Money received by the commissioner or the deputy commissioner from gifts of money or proceeds derived from the sale of gifts of personal property that he is authorized to accept must, if the donor of such a gift has specified a purpose for its use, be deposited with the state treasurer for credit to the account for restricted gifts to veterans' cemeteries, which is hereby created within the state general fund.

2. Money in the account for restricted gifts to veterans' cemeteries must not be commingled with money in the accounts established pursuant to NRS 417.220.

3. The interest and income earned on the money in the account for restricted gifts to veterans' cemeteries, after deducting any applicable charges, must be credited to the account.

4. The commissioner or the deputy commissioner shall maintain records of the sources of any gifts of money or proceeds derived from the sale of gifts of personal property that he is authorized to accept which are deposited to the account for restricted gifts to veterans' cemeteries pursuant to subsection 1, and shall expend the money contained therein only in accordance with the purposes specified by the donor of such money or personal property.".

Amend section 1, page 1, line 9, after "property" by inserting: "*for which the donors have not specified a purpose for their use, that*".

Amend section 1, page 1, by deleting line 16 and inserting: "3. The money in each".

Amend section 1, page 1, by deleting line 19 and inserting: "4. Gifts of personal".

Amend section 1, page 2, by deleting lines 2 through 8 and inserting: "kind [.] , *unless the donor of the personal property has indicated that the gift must be used in a specific manner.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1174.

Amend sec. 2, page 2, line 21, by deleting "agreement" and inserting: "[agreement] *period for which the exemption was granted*".

Amend sec. 3, page 3, by deleting line 15 and inserting: "period for which the exemption was granted or until the".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1173.

Amend section 1, page 2, line 43, by deleting "*3*" and inserting "*4* ".

Amend the bill as a whole by renumbering sections 2 through 7 as sections 3 through 8 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

If an employer:

1. Pays money directly to an employee for use by the employee to pay all or a portion of the cost of child care and the employee selects the child care facility independent of and without any input from the employer;

2. Provides to an employee one or more vouchers for use by the employee to pay all or a portion of the cost of child care at a child care facility licensed and in good standing pursuant to chapter 432A of NRS;

3. Directs or refers an employee to a child care facility licensed and in good standing pursuant to chapter 432A of NRS; or

4. Negotiates a discount or other benefit for an employee at a child care facility licensed and in good standing pursuant to chapter 432A of NRS,

the employer is immune from civil liability for damages arising from or relating to the child care provided to the children of the employee if the damages are caused by an act or omission that constitutes simple negligence.".

Amend sec. 2, page 3, line 2, by deleting: "3 and 4" and inserting: "4 and 5".

Amend sec. 5, page 3, line 20, by deleting "*3*" and inserting "*4* ".

Amend the title of the bill to read as follows: "An Act relating to child care; reducing the amount of the business tax for a business that provides for

the care of the children of certain employees; providing immunity from civil liability to an employer for certain acts relating to child care; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second line and inserting: "certain employees and providing employer immunity from civil liability for certain acts relating to child care. (BDR 32-703)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price, Humke, Buckley and Goldwater.

Assemblyman Price moved that Senate Bill No. 450 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 480.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1170.

Amend sec. 13, page 5, by deleting lines 33 through 38 and inserting: "*each member of the association.*".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1195.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 467.040 is hereby amended to read as follows:

467.040 1. The commission may employ an executive director, who must not be a member of the commission.

2. Except as *otherwise* provided in NRS 467.080 [and 467.135,] , *467.135 and 467.158,* all money received by the executive director or the commission pursuant to the provisions of this chapter must be deposited with the state treasurer for credit to the state general fund.".

Amend sec. 3, page 3, by deleting lines 27 through 30 and inserting:

"*(b) The commission shall deposit:*

(1) An amount equal to 40 percent of the penalty imposed with the state treasurer for credit to the account for aid for victims of domestic violence created pursuant to NRS 217.440; and

(2) An amount equal to 40 percent of the penalty imposed with the state treasurer for credit to the fund for abused and neglected children created pursuant to section 4 of this act.

The remainder of the penalty imposed must be accounted for and used in the same manner as money".

Amend the title of the bill by deleting the seventh through eleventh lines and inserting: "contests or exhibitions of unarmed combat to be deposited into the fund for abused and neglected children and the account for aid for victims of domestic violence; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 318 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 482:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Assembly Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 12.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 12:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Remarks by Assemblymen Price and Ohrenschall.

Roll call on Senate Bill No. 464:

YEAS — 39.

NAYS — None.

Not voting — Ohrenschall.

Excused — Hettrick, Segerblom — 2.

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

Bill ordered transmitted to the Senate.

Senate Bill No. 285.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 285:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 320.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Senate Bill No. 320:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Senate Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 353.

Bill read third time.

Remarks by Assemblymen Goldwater, Giunchigliani, Carpenter and Cegavske.

Roll call on Assembly Bill No. 353:

YEAS — 40.

NAYS — None.

Excused — Hettrick, Segerblom — 2.

Assembly Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 318.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1147.

Amend sec. 2, pages 1 and 2, by deleting lines 8 through 18 on page 1 and lines 1 through 40 on page 2 and inserting:

"484.7625 1. The department of transportation may, upon application in writing, if good cause appears, issue a special or multiple trip-limited time permit in writing authorizing the applicant to move a manufactured or mobile home, or any other similar type of vehicle or structure, in excess of 120 inches in width but not exceeding [168] *192* inches in width, [exclusive of:

(a) Appendages which must not extend beyond 3 inches on either side; and

(b) Roof eaves which, in total of both sides, must not extend more than 24 inches.

2. If an applicant demonstrates that he may suffer severe economic hardship and the loss of his residence if he is not allowed to move a manufactured or mobile home, or other similar type of vehicle or structure, in excess of 168 inches but not exceeding 192 inches in width, the department of transportation may issue a special one-trip permit in writing authorizing the applicant to move the home, vehicle or structure. Such a permit may be issued if the applicant:

(a) Owns the home, vehicle or structure at the time the application is made; and

(b) Intends to reside in the home, vehicle or structure in this state after it is moved.

The department may not issue such a permit to an applicant who purchases such a home, vehicle or structure outside the state and intends to move it into the state for lease, resale or business purposes.

3.] , *including any appendages and roof eaves.*

2. The movement of a manufactured or mobile home, or a similar type of vehicle or structure, pursuant to subsection 1 [or 2] is, in addition to the conditions and requirements of NRS 484.762, subject to the following requirements and conditions:

(a) "Wide-load" signs and red flags must be on the front of the towing vehicle and on the rear of the home, vehicle or structure.

(b) The towing vehicle must be a one-and-one-half-ton or larger truck or tractor equipped with dual wheels.

(c) The applicant must present evidence satisfactory to the department that he is financially responsible and that he has complied or is able to comply with the equipment requirements.

(d) As an additional warning to approaching traffic, the towing vehicle must be operated with the headlights turned on low beam.

(e) The driver of the towing vehicle shall do everything possible to prevent the congestion or slowing down of traffic in either direction [due to] *because of* the overwidth home, vehicle or structure and shall, if necessary to maintain the normal flow of traffic, drive the towing vehicle and the home, vehicle or structure off the pavement where safe to do so, in order that traffic may pass.

(f) When two or more homes, vehicles or structures in excess of 120 inches in width are moved over the same highway in the same direction, the drivers of the towing vehicles shall maintain a distance of at least 1,000 feet between vehicles.

[4.] *3.* The department of transportation shall:

(a) Designate the highways over which manufactured or mobile homes, or other similar types of vehicles or structures, in excess of 120 inches in width may be moved, and may require a pilot car to precede or follow the load.

(b) Prescribe [additional regulations relating to moving such] *, by regulation, standards for moving* homes, vehicles or structures, *in excess of 120 inches in width,* including the times and days when such moving is permitted, and additional safety precautions to be taken.

4. The regulations adopted pursuant to paragraph (b) of subsection 3 may establish different standards that are applicable only to the moving of a manufactured or mobile home, or other similar types of vehicle or structure, that is in excess of 168 inches, excluding any appendages and roof eaves, but does not exceed 192 inches in width, including any appendages and roof eaves.".

Amend the title of the bill to read as follows: "An Act relating to traffic laws; authorizing the department of transportation to issue a permit for the movement of a manufactured home or mobile home or similar type of vehicle or structure of a certain width upon a showing of good cause; authorizing the department of transportation to adopt regulations establishing standards for the movement of such vehicles or structures.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions regarding movement of certain oversized vehicles or structures. (BDR 43-936)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 329; Senate Bill No. 187, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 4, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 35, 77, 123, 343, 404, 442, 472, 476, 485, 518, 589, 609, 611, 631, 648, 652, 654.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 32, 44.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 492.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Senate Bill No. 122.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 17, 58, 325, 341, 452.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 331.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 492.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 329; Senate Bill No. 187 be placed on the Second Reading File.

Motion carried.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:23 p.m.

ASSEMBLY IN SESSION

At 1:24 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1196.

Amend section 1, page 1, line 3, by deleting "$650,000" and inserting "$225,000".

Amend sec. 2, page 1, lines 6 and 7, by deleting: "the project is completed" and inserting: "June 30, 1999,".

Assemblyman Arberry moved that Assembly Bill No. 329 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1152.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: "353.288, the sum of $5,474,382 to increase the balance of the fund.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 208.

The following Senate amendment was read:

Amendment No. 1006.

Amend section 1, page 1, by deleting line 2 and inserting:

"4.063 1. In a county whose population is 100,000 or more, the".

Amend section 1, page 1, by deleting lines 6 through 9 and inserting: "required, charge and collect *a fee of not less than* $5 *but not more than $10*".

Amend section 1, page 2, by deleting lines 13 and 14 and inserting: "the account must be used only to support [a program established in accordance with] *:*

(a) A program established pursuant to NRS 3.500 [.] *or 244.1607;*

(b) A program for the prevention or treatment of the abuse of alcohol or of a controlled substance, including, but not limited to, any program of

treatment for the abuse of alcohol or drugs established in a judicial district pursuant to NRS 453.580; or

(c) Any combination thereof. ".

Amend sec. 2, page 2, by deleting line 16 and inserting:

"19.0313 1. In a county whose population is 100,000 or more, the".

Amend sec. 2, page 2, by deleting lines 20 through 23 and inserting: "filing fee is required, charge and collect *not less than* $5 *but not more than $10* ".

Amend sec. 2, page 2, line 40, by deleting "support a" and inserting "support [a".

Amend sec. 2, page 2, by deleting lines 41 and 42 and inserting: "program established in accordance with] *:*

(a) A program established pursuant to NRS 3.500 [.] *or 244.1607;*

(b) A program for the prevention or treatment of the abuse of alcohol or of a controlled substance, including, but not limited to, any program of treatment for the abuse of alcohol or drugs established in a judicial district pursuant to NRS 453.580; or

(c) Any combination thereof. ".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 208.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210.

The following Senate amendment was read:

Amendment No. 1045.

Amend sec. 3, pages 1 and 2, by deleting lines 12 through 23 on page 1 and lines 1 and 2 on page 2 and inserting: "*prosecuting attorney shall provide the defendant with copies of any:*

(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness or witnesses, or any reports of statements or confessions, or copies thereof, within the possession or custody of the prosecuting attorney;

(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession or custody of the prosecuting attorney; and

(c) Books, papers, documents or tangible objects that the prosecuting attorney intends to introduce in evidence during the case in chief of the state, or copies thereof, within the possession or custody of the prosecuting attorney.".

Amend sec. 10, page 7, line 31, by deleting the open bracket.

Amend sec. 10, page 7, line 33, by deleting the closed bracket.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 210.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 306.

The following Senate amendment was read:

Amendment No. 1075.

Amend the bill as a whole by adding a new section, designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. Chapter 143 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On petition of any person who appears to have an interest in the estate, the court by temporary order may restrain a personal representative from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of his office, or make any other order to secure proper performance of his duty, if it appears to the court that the personal representative otherwise may take some action that would jeopardize unreasonably the interest of the petitioner or of some other interested person. A person with whom the personal representative may transact business may be made a party.

2. The matter must be set for hearing within 10 days after issuance of the temporary order unless the parties otherwise agree. Notice as the court directs must be given to the personal representative and his attorney of record, if any, and to any other party named defendant in the petition.

3. As used in this section:

(a) "Person" includes, without limitation, a government, governmental agency or political subdivision of a government.

(b) "Personal representative" includes, without limitation, an executor, an administrator, a successor personal representative, a special administrator and persons who perform substantially the same function under the law governing their status.".

Amend sec. 9, page 3, by deleting line 26 and inserting: "of benefits for Medicaid, and creditors, if there".

Amend sec. 10, page 5, by deleting line 10 and inserting: "payment of benefits for Medicaid have been paid".

Amend sec. 10, page 5, line 14, by deleting the brackets.

Amend sec. 10, page 5, line 17, by deleting "and" and inserting "[and]".

Amend sec. 10, page 5, line 21, by deleting "property." and inserting: "property [.] *; and*

(j) That the affiant acknowledges that he understands that filing a false affidavit constitutes a felony in this state.".

Amend sec. 11, page 6, by deleting sec. 11 and inserting:

"Sec. 11. (Deleted by amendment.)".

Amend sec. 14, page 7, by deleting lines 27 and 28 and inserting: "resources as a result of payment of benefits for Medicaid and wage claims to the extent of $600 of each employee of the".

Amend sec. 17, page 8, by deleting line 39 and inserting: "*distributed on a nonpro rata basis, unless the will or trust authorizes a trustee or executor to distribute property and money on a nonpro rata basis.*".

Amend sec. 19, page 9, line 26, by deleting: "*any interested person*" and inserting: "*a person entitled to notice pursuant to this Title*".

Amend sec. 19, page 9, line 29, by deleting "*14* " and inserting "*10* ".

Amend sec. 19, page 9, line 32, by deleting "*known;*" and inserting: "*known, or by personally delivering a copy thereof to the person being notified at least 10 days before the time set for the hearing; or*".

Amend sec. 19, page 9, by deleting lines 33 and 34.

Amend sec. 19, page 9, line 35, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 19, page 10, by deleting lines 3 through 10 and inserting:

"*4. A person entitled to notice may, in writing, waive notice of the hearing of a petition.*".

Amend the bill as a whole by adding a new section designated sec. 20.5, following sec. 20, to read as follows:

"Sec. 20.5. NRS 155.190 is hereby amended to read as follows:

155.190 In addition to any order or decree from which an appeal is expressly permitted by this Title, an appeal may be taken to the supreme court within 30 days after its entry, from an order or decree:

1. Granting or revoking letters testamentary or letters of administration.
2. Admitting a will to probate or revoking the probate thereof.
3. Setting aside an estate claimed not to exceed [$25,000] *$50,000* in value.
4. Setting apart property as a homestead, or claimed to be exempt from execution.
5. Granting or modifying a family allowance.
6. Directing or authorizing the sale or conveyance or confirming the sale of property.
7. Settling an account of an executor, administrator or trustee.
8. Instructing or appointing a trustee.
9. Instructing or directing an executor or administrator.
10. Directing or allowing the payment of a debt, claim, legacy or attorney's fee.
11. Determining heirship or the persons to whom distribution must be made or trust property must pass.

12. Distributing property.

13. Refusing to make any order mentioned in this section or any decision wherein the amount in controversy equals or exceeds, exclusive of costs, $1,000.

14. Granting or denying a motion to enforce the liability of a surety filed pursuant to NRS 142.035.".

Amend sec. 23, page 12, line 12, by deleting "*interested persons*" and inserting: "*persons entitled to notice*".

Amend the title of the bill, tenth line, after "person;" by inserting: "increasing the limit on the amount of value of an estate for which an appeal may be taken from an order or decree setting aside the estate;".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 306.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 312.

The following Senate amendment was read:

Amendment No. 1003.

Amend section 1, page 1, line 11, by deleting ", *without limitation,*".

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. This act becomes effective upon passage and approval.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 312.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 460.

The following Senate amendment was read:

Amendment No. 1083.

Amend sec. 6, page 2, line 17, by deleting "recipients; and" and inserting "recipients;".

Amend sec. 6, page 2, line 19, by deleting "608." and inserting: "608; and

(c) Encourage recipients to expand their future opportunities for employment by continuing their education.".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 460.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 512.

The following Senate amendment was read:

Amendment No. 1087.

Amend section 1, page 1, line 2, by deleting: "2 to 5, inclusive," and inserting: "2, 3 and 4".

Amend sec. 2, page 1, line 3, by deleting: "*2 to 5, inclusive,*" and inserting: "*2, 3 and 4* ".

Amend sec. 3, page 2, by deleting lines 3 through 13 and inserting:

"*(a) An agreement by the contractor that he will, before any work is begun on the residential pool or spa:*

(1) Examine any document of the building department of the county in which the pool or spa will be constructed that indicates whether the proposed project is located within an area that has been designated by the building department as a special geotechnical consideration area based on the properties of the soil in the area; and

(2) If the proposed project is located within such an area, take such actions as are necessary to ensure that:

(I) A professional engineer who is licensed pursuant to chapter 625 of NRS conducts an analysis of the soil at the site of the proposed project to ascertain the properties of the soil and to determine whether the soil is suitable for such construction; and

(II) The structural design of the proposed project is suitable for the properties of the soil at the site of the proposed construction.".

Amend sec. 3, page 2, by deleting lines 21 through 31 and inserting:

"*(c) An agreement by the contractor to provide to each subcontractor and supplier, if any, prompt and full payment upon completion of each stage or phase of construction for the contracted amount for or fair market value of materials or services rendered by the subcontractor or supplier. Before requesting payment for the next stage or phase of construction, the contractor shall deliver to the owner an affidavit signed by the subcontractor or supplier which states that full payment has been made for the previous stage or phase of construction. In any action commenced by a subcontractor or supplier to enforce a lien pursuant to chapter 108 of NRS, such an affidavit constitutes a rebuttable presumption of full payment to the subcontractor or supplier for the contracted amount for or fair market value of materials or services rendered by the subcontractor or supplier for that stage or phase of construction.*".

Amend sec. 3, page 2, line 32, after "*by*" by inserting "*regulation of*".

Amend sec. 3, page 2, line 41, by deleting "*subcontractor;*" and inserting: "*subcontractor or supplier;*".

Amend sec. 4, page 3, line 8, by deleting: "*$200 or 2*" and inserting: *$1,000 or 10*".

Amend sec. 4, page 3, by deleting lines 18 through 27 and inserting: "*includes, without limitation, work involving excavation, steel, plumbing, gas, electricity, concrete, gunite, shotcrete, tile, plaster, the deck, or pool or spa equipment or accessories, except for the cash deposit or down payment authorized by subsection 1, to receive or establish a schedule of payments that provides for the contractor to receive payments at any time or in any amount other than:*

(a) Upon completion of the excavation and installation of the steel and plumbing, not more than 30 percent of the total contract price that is outstanding after the cash deposit or down payment.

(b) Upon completion of the installation of the gunite or shotcrete, not more than 20 percent of the total contract price that is outstanding after the cash deposit or down payment.

(c) Upon completion of the installation of the deck, tile, gas and electricity, not more than 30 percent of the total contract price that is outstanding after the cash deposit or down payment.

(d) Upon completion of the plastering and the final inspection by the local building department, the remaining balance of the contract price.

3. To commence construction without a building permit. If the site of the proposed project is located within an area that has been designated as a special geotechnical consideration area as described in section 3 of this act, the application for a building permit must include, without limitation, an analysis of the soil at the site of the proposed project conducted by a professional engineer who is licensed pursuant to chapter 625 of NRS as required pursuant to section 3 of this act and a document which sets forth the proposed structural design of the project.".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 5 and 6.

Amend sec. 6, page 3, line 38, by deleting: "October 1, 1997." and inserting: "the effective date of this act.".

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

"Sec. 7. This act becomes effective upon passage and approval.".

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "providing a penalty; and providing other".

Assemblyman Herrera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 512.

Remarks by Assemblyman Herrera.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 314, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Buckley.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Segerblom and Amodei as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 314.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 470, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

MARCIA DE BRAGA	ERNEST E. ADLER
JOHN C. CARPENTER	LAWRENCE E. JACOBSEN
BRIAN SANDOVAL	MIKE MCGINNESS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblywoman de Braga moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 470.

Remarks by Assemblywoman de Braga.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 38, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of 3 members, for the further consideration of the measure.

DOUGLAS A. BACHE	JON C. PORTER
DEANNA BRAUNLIN	ANN O'CONNELL
DAVID R. PARKS	MICHAEL A. SCHNEIDER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Bache moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 38.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Williams, Amodei and Herrera as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 38.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Committee on Conference concerning Senate Bill No. 122, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

DARIO HERRERA	MAURICE WASHINGTON
BRIAN SANDOVAL	ANN O'CONNELL
BARBARA E. BUCKLEY	VALERIE WIENER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Herrera moved to adopt the report of the second Committee on Conference concerning Senate Bill No. 122.

Remarks by Assemblyman Herrera.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 436 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 436.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1187.

Amend sec. 6, page 3, by deleting lines 8 through 12.

Amend sec. 6, page 3, line 13, by deleting "*7.*" and inserting "*6.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Neighbors moved that Senate Bill No. 256 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Neighbors.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:46 p.m.

ASSEMBLY IN SESSION

At 3:17 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Quaglieri.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, July 5, 1997 at 10 a.m.

Motion carried.

Assembly adjourned at 3:19 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-SEVENTH DAY

CARSON CITY (Saturday), July 5, 1997

Assembly called to order at 11:01 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lisa Schilbe.

Almighty God, You are too incredible and unfathomable for our finite minds to grasp. While we can only see a small part of the picture, You see the whole spectrum as it unfolds before You. Help us to trust You that there is a reason why we are still meeting together. Lord, You want to work through each one of us individually on Your time, that Your purposes might be brought to completion. We pray for strength and focus this day. In Your Holy Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 616; Senate Bill No. 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was re-referred Senate Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 670, 669; Senate Bills Nos. 271, 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 315, 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was re-referred Senate Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 4, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 170, 191, 262, 333, 345, 394, 401, 429, 471, 494, 525, 574, 628, 642 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 28.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 361, 397, 444.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 105, 266.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 489.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 167.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Senate Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1036.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. The legislature hereby finds and declares that:

1. Certain sex offenders who are convicted in this state pose a grave danger to the public because they are likely to commit sexual offenses repeatedly, most often without remorse or concern for their victims, many of whom are children.

2. Because those sex offenders who are convicted in this state pose a grave danger to the public, it is necessary to provide for longer terms of imprisonment for such sex offenders.

3. It is not the intent of the legislature to use involuntary civil commitment in lieu of imposing longer terms of imprisonment for habitual sex offenders convicted in this state.".

Amend sec. 23, page 6, line 9, by deleting: "*every 6 months*" and inserting "*each year*".

Amend sec. 25, page 6, line 32, by deleting: "*every 6 months*" and inserting "*each year*".

Amend the bill as a whole by deleting sections 33 and 34 and adding new sections designated sections 33 through 43, following sec. 32, to read as follows:

"Sec. 33. NRS 173.095 is hereby amended to read as follows:

173.095 1. The court may permit an indictment or information to be amended at any time before verdict or finding if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced.

2. If an indictment is found charging a primary offense upon which a charge of habitual criminality may be based, the prosecuting attorney may file a notice of habitual criminality with the court. If an indictment is found charging a primary offense upon which a charge of:

(a) Habitually fraudulent felon may be based, the prosecuting attorney shall file a notice of habitually fraudulent felon with the court.

(b) Habitual felon may be based, the prosecuting attorney shall file a notice of habitual felon with the court.

(c) Habitual sex offender may be based, the prosecuting attorney shall file a notice of habitual sex offender with the court.

3. The court shall permit an information to be amended pursuant to subsection 4 of NRS 173.035.

Sec. 34. NRS 176.185 is hereby amended to read as follows:

176.185 1. Except as otherwise provided in this section, whenever a person is found guilty in a district court of a crime upon verdict or plea, except in cases of murder of the first or second degree, kidnaping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or where the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 , [or] a habitual felon pursuant to NRS 207.012 [,] *or a habitual sex offender pursuant to section 35 of this act,* the court:

(a) If the person is found guilty of a category E felony, shall suspend the execution of the sentence imposed and grant probation to the person pursuant to NRS 193.130; or

(b) If the person is found guilty of any other felony, a gross misdemeanor or a misdemeanor, may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to place a person on probation, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176.1851 to 176.18525, inclusive.

3. The court may grant probation to a person convicted of indecent or obscene exposure or of lewdness only if a certificate of a psychologist or psychiatrist, as required by NRS 201.210, 201.220 or 201.230, is received by the court. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

4. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

5. The court shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the court receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 45 days

following a request for a probation investigation from the county clerk, but if a report is not submitted by the chief parole and probation officer within 45 days the district judge may grant probation without the written report.

6. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 35. Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is convicted in this state of a sexually violent offense and the person previously has been convicted of at least one other sexually violent offense, the person is a habitual sex offender and shall be punished for a category A felony by imprisonment in the state prison for life without the possibility of parole.

2. If a person is alleged to have committed a sexually violent offense in this state and the person has at least one prior conviction of a sexually violent offense, the prosecuting attorney shall include a count of habitual sex offender in any information that is filed or, if an indictment is found, shall file a notice of habitual sex offender.

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

4. If a person is adjudicated a habitual sex offender pursuant to this section and adjudicated a habitual felon pursuant to NRS 207.012 in the same proceeding, the person must be punished pursuant to this section.

5. As used in this section, "sexually violent offense" means:

(a) Sexual assault pursuant to NRS 200.366.

(b) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(c) A violation of the provisions of NRS 201.195, 201.210 or 201.230 if:

(1) At the time of sentencing, the violation was found to have involved the use or the threatened use of violence or force against the victim; or

(2) During the hearing held pursuant to NRS 207.016, the prosecuting attorney proves beyond a reasonable doubt that the violation involved the use or the threatened use of violence or force against the victim.

(d) An act of murder in the first or second degree, kidnaping in the first or second degree, false imprisonment, burglary or invasion of the home if:

(1) The act was found to have been sexually motivated pursuant to NRS 175.547; or

(2) During the hearing held pursuant to NRS 207.016, the prosecuting attorney proves beyond a reasonable doubt that the act was sexually motivated, as defined in subsection 5 of NRS 175.547.

(e) An attempt to commit an act or offense listed in paragraphs (a) to (d), inclusive.

(f) An act or offense committed in another jurisdiction that, if committed in this state, would be an act or offense listed in this subsection.

Sec. 36. NRS 207.010 is hereby amended to read as follows:

207.010 1. Unless the person is prosecuted pursuant to NRS 207.012 or 207.014 [,] *or section 35 of this act,* a person convicted in this state of:

(a) Any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony, who has previously been two times convicted, whether in this state or elsewhere, of any crime which under the laws of the situs of the crime or of this state would amount to a felony, or who has previously been three times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element, is a habitual criminal and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years.

(b) Any felony, who has previously been three times convicted, whether in this state or elsewhere, of any crime which under the laws of the situs of the crime or of this state would amount to a felony, or who has previously been five times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or the intent to defraud is an element, is a habitual criminal and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

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

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

2. It is within the discretion of the prosecuting attorney whether to include a count under this section in any information or file a notice of habitual criminality if an indictment is found. The trial judge may, at his discretion, dismiss a count under this section which is included in any indictment or information.

Sec. 37. NRS 207.012 is hereby amended to read as follows:

207.012 1. A person who:

(a) Has been convicted in this state of a felony listed in subsection 2; and

(b) Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this state would be a felony listed in subsection 2, whether the prior convictions occurred in this state or elsewhere,

is a habitual felon and *, except as otherwise provided in section 35 of this act,* shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

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

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

2. The district attorney shall include a count under this section in any information or shall file a notice of habitual felon if an indictment is found, if each prior conviction and the alleged offense committed by the accused constitutes a violation of subparagraph (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160, 199.500, 200.030, 200.320, 200.330, 200.340, 200.366, 200.380, 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of NRS 200.450, subsection 4 of NRS 200.460, NRS 200.465, subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230, 201.450, 202.170, 202.270, subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS 202.820, subsection 2 of NRS 202.830, NRS 205.010, subsection 4 of NRS 205.060, subsection 4 of NRS 205.067, NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS 453.333, 484.219 or 484.3795.

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

Sec. 38. NRS 207.016 is hereby amended to read as follows:

207.016 1. A conviction pursuant to NRS 207.010, 207.012 or 207.014 *or section 35 of this act* operates only to increase, not to reduce, the sentence otherwise provided by law for the principal crime.

2. If a count pursuant to NRS 207.010, 207.012 or 207.014 *or section 35 of this act* is included in an information charging the primary offense, each previous conviction must be alleged in the accusatory pleading, but no such conviction may be alluded to on trial of the primary offense, nor may any allegation of the conviction be read in the presence of a jury trying the offense or a grand jury considering an indictment for the offense. A count pursuant to NRS 207.010, 207.012 or 207.014 *or section 35 of this act* may be separately filed after conviction of the primary offense, but if it is so filed, sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing.

3. If a defendant charged pursuant to NRS 207.010, 207.012 or 207.014 *or section 35 of this act* pleads guilty or guilty but mentally ill to, or is found guilty of, the primary offense [, but] *and:*

(a) The defendant denies any previous conviction charged [,] *; or*

(b) The prosecuting attorney must prove an additional factor to establish that a previous conviction was for a sexually violent offense pursuant paragraph (c) or (d) of subsection 5 of section 35 of this act,

the court shall determine the issue of the previous conviction *or the additional factor* after hearing all relevant evidence presented on the issue by

the [prosecution] *prosecuting attorney* and the defendant. At such a hearing, the defendant may not challenge the validity of a previous conviction.

4. The court shall impose sentence:

(a) Pursuant to NRS 207.010 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual criminality;

(b) Pursuant to NRS 207.012 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual felon [; or] *, unless the provisions of section 35 of this act otherwise apply;*

(c) Pursuant to NRS 207.014 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon [.

4.] *; or*

(d) Pursuant to section 35 of this act upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual sex offender.

5. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 *or section 35 of this act* limits the [prosecution] *prosecuting attorney* in introducing evidence of prior convictions for purposes of impeachment.

[5.] *6.* For the purposes of NRS 207.010, 207.012 and 207.014 [,] *and section 35 of this act,* a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

[6.] *7.* Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 *or section 35 of this act* prohibits a court from imposing an adjudication of habitual criminality, adjudication of habitual felon , [or] adjudication of habitually fraudulent felon *or adjudication of habitual sex offender* based upon a stipulation of the parties.

Sec. 39. Section 13 of Senate Bill No. 133 of this session is hereby amended to read as follows:

Sec. 13. NRS 176.185 is hereby amended to read as follows:

176.185 1. Except as otherwise provided in this section, [whenever] *if* a person is found guilty in a district court [of a crime] upon verdict or plea [, except in cases of murder] *of:*

(a) Murder of the first or second degree, kidnaping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or [where] *if* the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014, a habitual felon pursuant to NRS 207.012 or a habitual sex offender pursuant to section 35 of [this act,] *Senate Bill No. 100 of this session,* the court [:

(a) If the person is found guilty of a] *shall not suspend the execution of the sentence imposed or grant probation to the person.*

(b) A category E felony, *except as otherwise provided in this paragraph, the court* shall suspend the execution of the sentence imposed and grant probation to the person . [pursuant to NRS 193.130; or

(b) If the person is found guilty of any other] *The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time the crime was committed, the person:*

(1) Was serving a term of probation, whether in this state or elsewhere, for a felony conviction;

(2) Had previously had his probation revoked, whether in this state or elsewhere, for a felony conviction; or

(3) Had previously been two times convicted, whether in this state or elsewhere, of a crime that under the laws of the situs of the crime or of this state would amount to a felony.

If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this subparagraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, *the court* may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to place a person on probation, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176.1851 to 176.18525, inclusive.

3. The court may grant probation to a person convicted of indecent or obscene exposure or of lewdness only if a certificate of a psychologist or psychiatrist, as required by NRS 201.210, 201.220 or 201.230, is received by the court. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

4. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

5. The court shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the court receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 45 days following a request for a probation investigation from the county clerk, but if a report is not submitted by the chief parole and probation officer within 45 days the district judge may grant probation without the written report.

6. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 40. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 41. The amendatory provisions of sections 2 to 32, inclusive, of this act apply to all persons who have been convicted of a sexually violent offense, as defined in section 14 of this act, whether or not:

1. The offense was committed before, on or after October 1, 1997;

2. The person was sentenced for the offense before, on or after October 1, 1997; or

3. The person was released from confinement before, on or after October 1, 1997.

Sec. 42. The amendatory provisions of sections 33 to 38, inclusive, of this act apply to offenses that are committed before, on or after October 1, 1997.

Sec. 43. Sections 36, 37 and 38 of this act become effective at 12:01 a.m. on October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to sex offenders; providing for the involuntary civil commitment of certain sexually violent predators; requiring the mental hygiene and mental retardation division of the department of human resources to adopt certain regulations concerning involuntary civil commitment; increasing the term of imprisonment for certain habitual sex offenders; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Provides for involuntary civil commitment of certain sexually violent predators and increases term of imprisonment for certain habitual sex offenders. (BDR 39-286)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Senate Bill No. 100 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Chief Clerk's desk.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics.

Assembly Concurrent Resolution No. 58—Providing for the compensation of the clergy for services rendered to the Assembly and the Senate during the 69th session of the Nevada Legislature.

WHEREAS, The members of the 69th session of the Nevada Legislature have been sincerely appreciative of the daily religious services rendered by members of the clergy representing various denominations; and

WHEREAS, The invocations offered by the clergy provided inspiration and guidance for the members of the Nevada Legislature as they faced the challenges and demands of the 69th session;

WHEREAS, A reasonable compensation should be provided for the clergy who performed such services; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the State Controller is authorized and directed to pay the sum of $35 per service out of the legislative fund to the members of the clergy who have performed religious services for the Assembly and the Senate during the 69th session of the Nevada Legislature.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 58 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Elections, Procedures, and Ethics.

Assembly Concurrent Resolution No. 59—Commending the Chief and staff of the State Printing Division of the Department of Administration for services rendered to the Nevada Legislature.

WHEREAS, The Chief Donald L. Bailey, Sr., and the staff of the State Printing Division of the Department of Administration have worked long hours in meeting the needs of the 69th session of the Nevada Legislature; and

WHEREAS, The work produced by the State Printing Division met the high standards of previous years because of the care that Chief Don Bailey and his excellent staff devoted to every assignment given to them; and

WHEREAS, Without such outstanding service from the Chief and his staff, the Legislature could not function or fulfill its obligations to the people of the State of Nevada; and

WHEREAS, This year, the members of the 69th session of the Nevada Legislature were especially proud of the national recognition Chief Donald L. Bailey, Sr., received upon being selected as the recipient of the prestigious award, "Manager of the Year," by *In-Plant Graphics* Magazine; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 69th session of the Nevada Legislature hereby express their appreciation and commend Chief Donald L. Bailey, Sr., and the members of his staff at the State Printing Division of the Department of Administration for their dedication and exceptional work; and be it further

RESOLVED, That Chief Donald L. Bailey, Sr., is hereby congratulated for receiving national recognition upon being named this year's "Manager of the Year" by *In-Plant Graphics* magazine; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Donald L. Bailey, Sr., the Chief of the State Printing Division of the Department of Administration.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 59 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 361.

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

Motion carried.

Senate Bill No. 397.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 444.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 39, 430, 458 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 280, 318; Senate Bills Nos. 86, 187, 436, 480, 488 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Concurrent Resolution No. 57 be placed on the Resolution File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 39.

Bill read second time.

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

Amendment No. 1217.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 to 6, inclusive,".

Amend the bill as a whole by deleting sections 2 through 4 and adding new sections designated sections 2 through 6, following section 1, to read as follows:

"Sec. 2. *1. Except as otherwise provided in section 3 of this act, the governing body of a city or county may create a review board by ordinance to advise the governing body on issues concerning peace officers, school police officers, constables and deputies of constables within the city or county.*

2. A review board created pursuant to subsection 1 must consist of:

(a) In a city or county whose population is 100,000 or more, 25 members; and

(b) In a city or county whose population is less than 100,000, 12 members.

3. Such a review board must be appointed by the governing body from a list of names submitted by interested persons. If an insufficient number of names of interested persons are submitted, the governing body shall appoint the remaining members in the manner it deems appropriate.

4. A person appointed to the review board must:

(a) Be a resident of the city or county for which the review board was created, except no member of the review board may be currently employed as a peace officer, school police officer, constable or deputy of a constable.

(b) Complete training relating to law enforcement before serving as a member of the review board, including, without limitation, training in the policies and procedures of law enforcement agencies, police of school districts and offices of constables, the provisions of NRS 289.010 to 289.120, inclusive, and the employment contracts of the peace officers, school police officers, constables or deputies of constables.

Sec. 3. *1. If a metropolitan police department has been formed pursuant to NRS 280.110, the metropolitan police committee on fiscal affairs may request the participating political subdivisions to create a review board to advise the committee on issues concerning peace officers employed by the metropolitan police department. The participating subdivisions may jointly create such a review board by mutual ordinances.*

2. A review board created pursuant to subsection 1 must consist of 25 members, appointed from a list of names submitted by interested persons. The members of the metropolitan police committee on fiscal affairs who are representatives of the county shall appoint 13 members of the review board, and the members of the metropolitan police committee on fiscal affairs who are representatives of each participating city within the county shall appoint an equal number of the remaining 12 members. If an insufficient number of names of interested persons are submitted, the members of the metropolitan police committee on fiscal affairs shall appoint the remaining members in the manner they deem appropriate.

3. A person appointed to the review board must:

(a) Be a resident within the jurisdiction of the participating subdivisions for which the review board was created, except no member of the review board may be currently employed as a peace officer.

(b) Complete training relating to law enforcement before serving as a member of the review board, including, without limitation, training in the policies and procedures of law enforcement agencies, the provisions of NRS 289.010 to 289.120, inclusive, and the employment contracts of the peace officers.

Sec. 4. *A review board created pursuant to section 2 or 3 of this act:*

1. Does not have jurisdiction over any matter in which it is alleged that a crime has been committed.

2. Shall not abridge the rights of a peace officer, school police officer, constable or deputy of a constable that are granted pursuant to a collective bargaining agreement, a contract or any federal or state statute or regulation.

Sec. 5. *1. A review board that is created pursuant to paragraph (a) of subsection 2 of section 2 of this act or pursuant to section 3 of this act must meet in panels of five members to carry out its duties.*

2. A review board that is created pursuant to paragraph (b) of subsection 2 of section 2 of this act must meet in panels of three members to carry out its duties.

3. Members must be selected randomly to serve on a panel, and the panel shall select one of its members to serve as chairman of the panel.

4. A panel of a review board created pursuant to section 2 or 3 of this act may:

(a) Refer a complaint against a peace officer, school police officer, constable or deputy of a constable to the employer of the peace officer, school police officer, constable or deputy of a constable.

(b) Review an internal investigation of a peace officer, school police officer, constable or deputy of a constable within the jurisdiction of the governing body that created the review board and make recommendations regarding any disciplinary action against the peace officer, school police officer, constable or deputy of a constable that is recommended by his employer, including, without limitation:

(1) Increasing or decreasing the recommended level of discipline; and

(2) Exonerating the peace officer, school police officer, constable or deputy of a constable who has been the subject of the internal investigation.

5. The employer of a peace officer, school police officer, constable or deputy of a constable shall make available to a panel of the review board any personnel file or other material necessary for the panel to conduct a review.

6. When reviewing an internal investigation of a peace officer, school police officer, constable or deputy of a constable pursuant to subsection 4, the panel shall provide the peace officer, school police officer, constable or deputy of a constable with notice and an opportunity to be heard. The peace officer, school police officer, constable or deputy of a constable may represent himself at the hearing before the panel or be represented by an attorney or other person of his own choosing. The review board, governing body and employer of the peace officer, school police officer, constable or deputy of a constable are not responsible for providing such representation.

7. The chairman of a panel of a review board shall report the findings and recommendation of the panel regarding disciplinary action to the employer of the peace officer, school police officer, constable or deputy of a constable.

8. The ordinance pursuant to which a review board is created must:

(a) Provide for an appeal of a recommendation made by a panel of the review board by a peace officer, school police officer, constable or deputy of a constable;

(b) Specify the manner for conducting an appeal which may include, without limitation, the formation of another randomly selected panel, mediation or conciliation; and

(c) Provide whether a decision regarding an appeal is final and binding.

9. The findings and recommendation of a panel of the review board are public records unless otherwise declared confidential by state or federal law.

10. A proceeding of a panel of such a review board is closed to the public.

Sec. 6. *1. A panel of a review board that is created pursuant to section 2 or 3 of this act may:*

(a) Administer oaths;

(b) Take testimony;

(c) Within the scope of its jurisdiction, issue subpoenas to compel the attendance of witnesses to testify before the panel;

(d) Require the production of books, papers and documents; and

(e) Issue commissions to take testimony.

2. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena, the panel may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.".

Amend the title of the bill by deleting the second and third lines and inserting: "governing body of a political subdivision on issues concerning peace officers, school police officers, constables and deputies of constables; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second line and inserting: "subdivision on issues concerning peace officers, school police officers, constables and deputies of constables.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 430.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1176.

Amend section 1, page 2, after line 35, by inserting:

"*6. If a person cancels his registration and surrenders to the department his license plates for a vehicle, the department shall issue to the person a refund of the portion of the registration fee and privilege tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.*".

Amend the bill as a whole by deleting sec. 1.3 and inserting:

"Sec. 1.3. (Deleted by amendment.)".

Amend sec. 1.7, page 3, by deleting line 7, and inserting:

"1. [For] *Except as otherwise provided in this section, for* each stock passenger car and each ".

Amend sec. 1.7, page 3, line 8, by deleting "[car] *cars"* and inserting "car [,]".

Amend sec. 1.7, page 3, line 12, by deleting "*person,*" and inserting: "*person for which special license plates have been issued pursuant to NRS 482.380, 482.381, 482.3812, 482.3814 or 482.3816,*".

Amend sec. 1.7, page 3, line 14, by deleting "*person,*" and inserting: "*person for which special license plates have been issued pursuant to NRS 482.380, 482.381, 482.3812, 482.3814 or 482.3816,*".

Amend sec. 1.7, page 3, line 16, by deleting "*person,*" and inserting: "*person for which special license plates have been issued pursuant to NRS 482.380, 482.381, 482.3812, 482.3814 or 482.3816,*".

Amend sec. 4, page 6, by deleting lines 28 through 31 and inserting: "snowmobiles and railroad locomotives. *The regulations must:*

(a) Provide for the exemption from such standards of restored vehicles for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816.

(b) Establish criteria for the condition and functioning of a restored vehicle to qualify for the exemption, and provide that the evaluation of the condition and functioning of such a vehicle may be conducted at an authorized inspection station or authorized station as defined in NRS 445B.710 and 445B.720, respectively.

(c) Define "restored vehicle" for the purposes of the regulations.".

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. The department of motor vehicles and public safety shall conduct a study concerning the potential and actual effects, as appropriate, of the refunding by the department of fees, taxes and other charges required pursuant to this act or any other specific statute, and submit a report of the study to the director of the legislative counsel bureau on or before January 18, 1999, for transmittal to the 70th session of the Nevada legislature.".

Amend sec. 6, page 7, by deleting lines 1 through 4 and inserting:

"Sec. 6. 1. This section and sections 4 and 5 of this act become effective on July 1, 1997.

2. Sections 1.7, 2 and 3 of this act become effective on January 1, 1998.

3. Section 1 of this act becomes effective on January 1, 2001.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning and Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 458.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1184.

Amend sec. 6, page 3, line 27, after "*buildings*" by inserting "*or structures*".

Amend sec. 8, page 5, line 11, by deleting "*current* ".

Amend sec. 11, page 7, by deleting line 5 and inserting: "the code most recently [published before January 1, 1987.] *approved by the board. The board shall review each edition of the Uniform Building Code, Uniform Plumbing Code or National Electrical Code that is published after the 1996 edition to ensure its suitability. Each new edition of the code shall be deemed approved by the board unless the edition is disapproved by the board within 60 days of the publication of the code.*".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. NRS 624.310 is hereby amended to read as follows:

624.310 1. [In any case when] *Except as otherwise provided in subsection 4, if* the board refuses to issue or renew a license, suspends or revokes a license or imposes an administrative fine pursuant to NRS 624.235, the [applicant or accused is entitled to a hearing before the board.] *board shall hold a hearing. The time and place for the hearing must be fixed by the board, and notice of the time and place of the hearing must be personally served on the applicant or accused or mailed to the last known address of the applicant or accused at least 30 days before the date fixed for the hearing.*

2. The testimony taken pursuant to NRS 624.170 to 624.210, inclusive, must be considered a part of the record of the hearing before the board.

3. The hearing must be public if a request is made therefor.

4. The board may suspend the license of a contractor without a hearing if the board finds, based upon evidence in its possession, that the public health, safety or welfare imperatively requires summary suspension of the license of the contractor and incorporates that finding in its order. If the board summarily suspends the license of the contractor, a hearing must be held within 30 days after the suspension.".

Amend sec. 12, page 7, by deleting lines 28 through 30 and inserting: "*described in subsection 1.*".

Amend sec. 12, page 7, line 32, by deleting "*$250* " and inserting "*$500* ".

Amend sec. 12, page 7, line 35, by deleting "*$250* " and inserting "*$500* ".

Amend sec. 22, page 15, between lines 23 and 24, by inserting:

"*6. A contractor may require final payment for the final stage or phase of the construction of a residential pool or spa after the completion of the plastering and the final inspection by the local building department, unless any installation of equipment, decking or fencing that is required in the contract is not completed.*

7. A violation of the provisions of this section by a contractor constitutes cause for disciplinary action pursuant to NRS 624.300.".

Amend sec. 23, page 16, between lines 10 and 11, by inserting: "*Except as otherwise provided in subsection 4, the contract may contain such other conditions, stipulations or provisions as to which the parties may agree.*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 170.

The following Senate amendment was read:

Amendment No. 1020.

Amend sec. 4.5, page 6, by deleting lines 29 through 31.

Assemblyman Anderson moved that the Assembly do not concur in Senate Amendment No. 1020 to Assembly Bill No. 170.

Remarks by Assemblymen Anderson and Ohrenschall.

Motion carried.

The following Senate amendment was read:

Amendment No. 1080.

Amend sec. 19, page 17, by deleting lines 25 through 28 and inserting:

"(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.".

Amend sec. 19, page 17, by deleting lines 35 through 38 and inserting: "confinement with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.".

Assemblyman Anderson moved that the Assembly concur in Senate Amendment No. 1080 to Assembly Bill No. 170.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1151.

Amend sec. 24, page 21, line 39, by deleting "inclusive:" and inserting: "inclusive, and sections 2 to 6, inclusive, of [this act,] *Senate Bill No. 155 of this session,* unless the context otherwise requires:".

Amend sec. 24, page 22, line 33, after "*5.*" by inserting: " "Participant" means an adult, child or incompetent person for whom a fictitious address has been issued pursuant to sections 2 to 6, inclusive, of this act.

[5.] *6.*".

Amend sec. 34, page 25, line 17, after "20" by inserting: "to 23, inclusive, 25".

Amend sec. 34, page 25, line 19, by deleting: "7 and 8" and inserting: "7, 8 and 24".

Assemblyman Anderson moved that the Assembly concur in Senate Amendment No. 1151 to Assembly Bill No. 170.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 628.

The following Senate amendment was read:

Amendment No. 1117.

Amend section 1, page 2, by deleting lines 1 through 7 and inserting: "*peace in a township, the new justice or justices of the peace must be elected at the next ensuing biennial election.*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 628.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 331, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Herrera and Berman as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 331.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 167, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 11, which is attached to and hereby made a part of this report.

JAN EVANS	RANDOLPH J. TOWNSEND
GENE WINES SEGERBLOM	DEAN A. RHOADS
DAVID E. HUMKE	MICHAEL A. SCHNEIDER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 11.

Amend the bill as a whole by adding a new section designated sec. 21.3, following sec. 21, to read as follows:

"Sec. 21.3. Chapter 599B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for registration as a seller who intends to offer for sale information or opinions relating to sporting events must obtain a work card issued pursuant to subsection 3 by the sheriff of the county in which the business of the applicant is located.

2. Each principal officer, director, trustee, shareholder and employee of a seller who offers for sale information or opinions relating to sporting events, or an owner or partner of such a seller, must obtain a work card issued pursuant to subsection 3 by the sheriff of the county in which the business of the seller is located that authorizes his association with the seller.

3. The sheriff of a county shall issue a work card to a seller who intends to offer for sale information or opinions relating to sporting events, or a principal officer, director, trustee, shareholder or employee of such a seller, who complies with the requirements established by the sheriff for the issuance of such a card. A work card issued pursuant to this section must be renewed each year.

4. If the sheriff of a county requires an applicant for a work card to submit a set of his fingerprints with his application, the sheriff may submit the fingerprints to the central repository for Nevada records of criminal history and to the Federal Bureau of Investigation to determine the criminal history of the applicant.".

Amend the bill as a whole by adding new sections designated sections 21.6 through 21.8, following sec. 21.5, to read as follows:

"Sec. 21.6. NRS 599B.090 is hereby amended to read as follows:

599B.090 1. An applicant for registration as a seller must submit to the division, in such form as it prescribes, a written application for registration. The application must:

(a) Set forth the name of the applicant, including each name under which he intends to do business;

(b) Set forth the name of any parent or affiliated entity that:

(1) Will engage in a business or other transaction with the consumer relating to any sale or donation solicited by the applicant; or

(2) Accepts responsibility for any statement or act of the applicant relating to any sale or donation solicited by the applicant;

(c) Set forth the complete street address of each location, designating the principal location, from which the applicant will be doing business;

(d) Contain a list of all telephone numbers to be used by the applicant, with the address where each telephone using these numbers will be located;

(e) Set forth the name and address of each:

(1) Principal officer, director, trustee, shareholder, owner or partner of the applicant, and of each other person responsible for the management of the business of the applicant;

(2) Person responsible for a location from which the applicant will do business; and

(3) Salesman to be employed by the applicant;

(f) Be accompanied by a copy of any:

(1) Script, outline or presentation the applicant will require a salesman to use when soliciting or, if no such document is used, a statement to that effect;

(2) Sales or donation information or literature to be provided by the applicant to a salesman, or of which the applicant will inform the salesman; and

(3) Sales or donation information or literature to be provided by the applicant to a consumer in connection with any solicitation;

(g) If the applicant is a corporation, be signed by an officer of the corporation; and

(h) If the applicant is a natural person, be completed personally by the applicant.

2. Any material submitted pursuant to paragraph (f) of subsection 1 is submitted for the records of the division and not for the approval of the division.

3. The information provided pursuant to paragraph (f) of subsection 1 by an applicant for registration as a seller is confidential and may only be released to a law enforcement agency, to a court of competent jurisdiction or by order of a court of competent jurisdiction.

4. If the applicant is other than a natural person, or if any parent or affiliated entity is identified pursuant to paragraph (b) of subsection 1, the

applicant must, for itself and any such entity, identify its place of organization and:

(a) In the case of a partnership, provide a copy of any written partnership agreement; or

(b) In the case of a corporation, provide a copy of its articles of incorporation and bylaws.

5. An application filed pursuant to this section must be verified and accompanied by:

(a) A bond, letter of credit or certificate of deposit satisfying the requirements of NRS 599B.100;

(b) A fee for registration in the amount of $6,000; [and]

(c) If subsection 6 applies, the additional bond, letter of credit or certificate of deposit and the additional fee required by that subsection [.] *; and*

(d) If the applicant intends to offer for sale information or opinions relating to sporting events, a copy of:

(1) The work card issued to the seller pursuant to subsection 1 of section 21.3 of this act; and

(2) The work cards of any other persons associated with the seller who are required to obtain work cards pursuant to subsection 2 of section 21.3 of this act.

6. If an applicant intends to do business under any assumed or fictitious name, he must, for each such name:

(a) File an additional bond, letter of credit or certificate of deposit satisfying the requirements of NRS 599B.100; and

(b) Pay an additional fee for registration in the amount of $6,000.

Sec. 21.7. NRS 599B.140 is hereby amended to read as follows:

599B.140 1. Each person registered pursuant to the provisions of this chapter must renew his registration annually by [paying] *:*

(a) Paying the fee for registration [and submitting] *;*

(b) Submitting to the division the application required by NRS 599B.090 or 599B.120, whichever applies [.] *; and*

(c) If the person is a seller who offers for sale information or opinions relating to sporting events, submitting to the division a copy of the work card obtained by:

(1) The seller pursuant to subsection 1 of section 21.3 of this act; and

(2) Each principal officer, director, trustee, shareholder, employee, owner and partner of the seller pursuant to subsection 2 of section 21.3 of this act.

2. Registration expires on the anniversary of the issuance of the registration. A registrant who wishes to renew his registration must do so on or before the date his registration expires.

3. For the purposes of NRS 599B.080, a person who fails to renew his registration within the time required by this section is not registered pursuant to this chapter.

4. Except as otherwise provided in NRS 599B.160, if any material change in the information submitted for registration occurs before the date for renewal, a registrant shall submit that information to the division within 10 days after the registrant obtains knowledge of the change.

Sec. 21.8. Section 7 of Senate Bill No. 345 of this session is hereby amended to read as follows:

Sec. 7. NRS 599B.010 is hereby amended to read as follows:

599B.010 As used in this chapter, unless the context otherwise requires:

1. "Chance promotion" means any plan in which premiums are distributed by random or chance selection.

2. "Commissioner" means the commissioner of consumer affairs.

3. "Consumer" means a person who is solicited by a seller or salesman.

4. "Division" means the consumer affairs division of the department of business and industry.

5. "Donation" means a promise, grant or pledge of money, credit, property, financial assistance or other thing of value given in response to a solicitation by telephone, including, but not limited to, a payment or promise to pay in consideration for a performance, event or sale of goods or services. The term does not include volunteer services, government grants or contracts or a payment by members of any organization of membership fees, dues, fines or assessments or for services rendered by the organization to those persons, if:

(a) The fees, dues, fines, assessments or services confer a bona fide right, privilege, professional standing, honor or other direct benefit upon the member; and

(b) Membership in the organization is not conferred solely in consideration for making a donation in response to a solicitation.

6. "Goods or services" means any property, tangible or intangible, real, personal or mixed, and any other article, commodity or thing of value.

7. "Premium" includes any prize, bonus, award, gift or any other similar inducement or incentive to purchase.

8. "Recovery service" means a business or other practice whereby a person represents or implies that he will, for a fee, recover any amount of money that a consumer has provided to a seller or salesman pursuant to a solicitation governed by the provisions of this chapter.

9. "Salesman" means any person:

(a) Employed or authorized by a seller to sell, or to attempt to sell, goods or services by telephone;

(b) Retained by a seller to provide consulting services relating to the management or operation of the seller's business; or

(c) Who communicates on behalf of a seller with a consumer:

(1) In the course of a solicitation by telephone; or

(2) For the purpose of verifying, changing or confirming an order,

except that a person is not a salesman if his only function is to identify a consumer by name only and he immediately refers the consumer to a salesman.

10. Except as otherwise provided in subsection 11, "seller" means any person who, on his own behalf, causes or attempts to cause a solicitation by telephone to be made through the use of one or more salesmen or any automated dialing announcing device under any of the following circumstances:

(a) The person initiates contact by telephone with a consumer and represents or implies:

(1) That a consumer who buys one or more goods or services will receive additional goods or services, whether or not of the same type as purchased, without further cost, except for actual postage or common carrier charges;

(2) That a consumer will or has a chance or opportunity to receive a premium;

(3) That the items for sale are gold, silver or other precious metals, diamonds, rubies, sapphires or other precious stones, or any interest in oil, gas or mineral fields, wells or exploration sites or any other investment opportunity;

(4) That the product offered for sale is information or opinions relating to sporting events;

(5) That the product offered for sale is the services of a recovery service; or

(6) That the consumer will receive a premium or goods or services if he makes a donation;

(b) The solicitation by telephone is made by the person in response to inquiries from a consumer generated by a notification or communication sent or delivered to the consumer that represents or implies:

(1) That the consumer has been in any manner specially selected to receive the notification or communication or the offer contained in the notification or communication;

(2) That the consumer will receive a premium if the recipient calls the person;

(3) That if the consumer buys one or more goods or services from the person, the consumer will also receive additional or other goods or

services, whether or not the same type as purchased, without further cost or at a cost that the person represents or implies is less than the regular price of the goods or services;

(4) That the product offered for sale is the services of a recovery service; or

(5) That the consumer will receive a premium or goods or services if he makes a donation; or

(c) The solicitation by telephone is made by the person in response to inquiries generated by advertisements that represent or imply that the person is offering to sell any:

(1) Gold, silver or other metals, including coins, diamonds, rubies, sapphires or other stones, coal or other minerals or any interest in oil, gas or other mineral fields, wells or exploration sites, or any other investment opportunity;

(2) Information or opinions relating to sporting events; or

(3) Services of a recovery service.

11. "Seller" does not include:

(a) A person licensed pursuant to chapter 90 of NRS when soliciting offers, sales or purchases within the scope of his license.

(b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or 696A of NRS when soliciting sales within the scope of his license.

(c) A person licensed as an insurance broker, agent or solicitor when soliciting sales within the scope of his license.

(d) Any solicitation of sales made by the publisher of a newspaper or magazine or by an agent of the publisher pursuant to a written agreement between the agent and publisher.

(e) A broadcaster soliciting sales who is licensed by any state or federal authority, if the solicitation is within the scope of the broadcaster's license.

(f) A person who solicits a donation from a consumer when:

(1) The person represents or implies that the consumer will receive a premium or goods or services with an aggregated fair market value of 2 percent of the donation or $50, whichever is less; or

(2) The consumer provides a donation of $50 or less in response to the solicitation.

(g) A charitable organization which is registered or approved to conduct a lottery pursuant to chapter 462 of NRS.

(h) A public utility or motor carrier which is regulated pursuant to chapter 704 or 706 of NRS, or by an affiliate of such a utility or motor carrier, if the solicitation is within the scope of its certificate or license.

(i) A utility which is regulated pursuant to chapter 710 of NRS, or by an affiliate of such a utility.

(j) A person soliciting the sale of books, recordings, video cassettes, software for computer systems or similar items through:

(1) An organization whose method of sales is governed by the provisions of Part 425 of Title 16 of the Code of Federal Regulations relating to the use of negative option plans by sellers in commerce;

(2) The use of continuity plans, subscription arrangements, arrangements for standing orders, supplements, and series arrangements pursuant to which the person periodically ships merchandise to a consumer who has consented in advance to receive the merchandise on a periodic basis and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received; or

(3) An arrangement pursuant to which the person ships merchandise to a consumer who has consented in advance to receive the merchandise and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received.

(k) A person who solicits sales by periodically publishing and delivering a catalog to consumers if the catalog:

(1) Contains a written description or illustration of each item offered for sale and the price of each item;

(2) Includes the business address of the person;

(3) Includes at least 24 pages of written material and illustrations;

(4) Is distributed in more than one state; and

(5) Has an annual circulation by mailing of not less than 250,000.

(l) A person soliciting without the intent to complete and who does not complete, the sales transaction by telephone but completes the sales transaction at a later face-to-face meeting between the solicitor and the consumer, if the person, after soliciting a sale by telephone, does not cause another person to collect the payment from or deliver any goods or services purchased to the consumer.

(m) Any commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, trust company, savings and loan association, credit union, industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurer subject to regulation by an official or agency of this state or of the United States, if the solicitation is within the scope of the certificate or license held by the entity.

(n) A person holding a certificate of authority issued pursuant to chapter 452 of NRS when soliciting sales within the scope of the certificate.

(o) A person licensed pursuant to chapter 689 of NRS when soliciting sales within the scope of his license.

(p) A person soliciting the sale of services provided by a community antenna television company subject to regulation pursuant to chapter 711 of NRS.

(q) A person soliciting the sale of agricultural products, if the solicitation is not intended to and does not result in a sale of more than $100 that is to be delivered to one address. As used in this paragraph, "agricultural products" has the meaning ascribed to it in NRS 587.290.

(r) A person who has been operating, for at least 2 years, a retail business establishment under the same name as that used in connection with the solicitation of sales by telephone if, on a continuing basis:

(1) Goods are displayed and offered for sale or services are offered for sale and provided at the person's business establishment; and

(2) At least 50 percent of the person's business involves the buyer obtaining such goods or services at the person's business establishment.

(s) A person soliciting only the sale of telephone answering services to be provided by the person or his employer.

(t) A person soliciting a transaction regulated by the Commodity Futures Trading Commission, if:

(1) The person is registered with or temporarily licensed by the Commission to conduct that activity pursuant to the Commodity Exchange Act (7 U.S.C. §§ 1 et seq.); and

(2) The registration or license has not expired or been suspended or revoked.

(u) A person who contracts for the maintenance or repair of goods previously purchased from the person:

(1) Making the solicitation; or

(2) On whose behalf the solicitation is made.

(v) A person to whom a *license to operate an information service or a* nonrestricted gaming license, which is current and valid, has been issued pursuant to chapter 463 of NRS when soliciting sales within the scope of his license.

(w) A person who solicits a previous customer of the business on whose behalf the call is made if the person making the call:

(1) Does not offer the customer any premium in connection with the sale;

(2) Is not selling an investment or an opportunity for an investment that is not registered with any state or federal authority; and

(3) Is not regularly engaged in telephone sales.

(x) A person who solicits the sale of livestock.

(y) An issuer which has a class of securities that is listed on the New York Stock Exchange, the American Stock Exchange or the National Market System of the National Association of Securities Dealers Automated Quotation System.

(z) A subsidiary of an issuer that qualifies for exemption pursuant to paragraph (y) if at least 60 percent of the voting power of the shares of the subsidiary is owned by the issuer.".

Amend the bill as a whole by adding a new section designated sec. 24.5, following sec. 24, to read as follows:

"Sec. 24.5. The amendatory provisions of sections 21.3, 21.6 and 21.7 of this act apply to a person who submits an application for registration as a seller pursuant to NRS 599B.090, or renews his registration, on or after July 1, 1997.".

Amend the title of the bill, eighth line, after "state;" by inserting: "requiring a seller who offers for sale information or opinions relating to sporting events and certain persons associated with such a seller to obtain a work card issued by the sheriff of the county in which the business of the seller is located;".

Assemblywoman Buckley moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 167.

Remarks by Assemblywoman Buckley.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 191.

The following Senate amendment was read:

Amendment No. 976.

Amend section 1, page 1, line 4, after the closed bracket by inserting: "*The superintendent may accept gifts and grants of money from any source for deposit in the fund. All legislative appropriations, gifts and grants made to the fund become a part of the principal of the fund which may be reduced only by specific legislative action.*".

Amend section 1, page 1, line 15, after "annually" by inserting: ", *within the limits of money available in the fund,*".

Amend sec. 2, pages 2 and 3, by deleting lines 13 through 43 on page 2 and lines 1 through 4 on page 3 and inserting:

"388.368 1. The state board [of education shall adopt] , *in consultation with the assisting agencies and the business community that will be included in the partnerships established pursuant to paragraph (a) of subsection 4, shall:*

(a) Adopt a comprehensive program to provide pupils *who are enrolled in grades 7 through 12, inclusive,* with the skills to make the transition from school to [work. The state board of education shall develop, implement] *careers; and*

(b) Carry out and review the program . [with the assistance of the assisting agencies and the business community that will be included in the partnerships established pursuant to paragraph (a) of subsection 3.]

2. The program to provide pupils with the skills to make the transition from school to [work must] *careers may* be designed to achieve the following objectives:

(a) To provide [all] *the* pupils *participating in the program* with an [equal] *equitable* opportunity to learn about and explore various career options *of their choice* before the completion of middle school.

(b) To [provide] *offer* career counseling for [all pupils during the 9th and 10th grades.] *interested pupils who are enrolled in grades 7 through 12, inclusive.*

(c) To provide [all] *information concerning the program.*

(d) To provide the pupils participating in the program with an [equal] *equitable* opportunity to achieve high academic standards and *, if desired,* to obtain training in occupations [that earn high wages.

(d) To strengthen and expand] *of their choice.*

(e) To continue and enhance existing technical and vocational education programs *that are voluntary, including, without limitation, programs* adopted pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. §§ 2301 et seq.).

[(e) To adopt]

(f) To allow a system for [issuing] *awarding* certificates of technical or vocational proficiency.

[(f) To adopt a curriculum and a system to allow pupils and students] *Such a certificate must not be awarded as a replacement for or in lieu of a high school diploma.*

(g) To allow pupils participating in the program to participate in educational activities in the workplace.

[(g) To provide all pupils with programs of]

(h) To offer pupils participating in the program job training and placement or programs for preparation for postsecondary education during the 12th grade [.

(h) To strengthen] *, or both.*

(i) To encourage the relationship [between] *among* the business community *,* [and] school districts *and universities and community colleges within the University and Community College System of Nevada* to promote job training and internships.

[(i) To encourage]

(j) To offer statewide participation in the program *for pupils who are enrolled in grades 7 through 12, inclusive.*

[(j) To meet the continuing educational and developmental needs of teachers and employees of the school district.]

(k) *To encourage teachers and other educational personnel to continue their educational development related to the program.*

(l) To adopt a process to evaluate the program and to integrate improvements [into the program.] *in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. §§ 1232g et seq.). To carry out the purposes of this paragraph, the state board may adopt a system for evaluating participation in the program only to produce aggregate statistical information needed to evaluate the program, but not to ensure that a pupil completes job training for a particular career. This paragraph does not prohibit the collection of data necessary to carry out the provisions of NRS 389.015 and 389.017.*".

Amend sec. 2, page 4, by deleting lines 3 through 12 and inserting:

"[4.] *5.* The state board [of education, after] , *in* consultation with the assisting agencies [, shall submit] *and the business community that will be included in the partnerships established pursuant to paragraph (a) of subsection 4, shall:*

(a) Make a determination on an application that is submitted pursuant to this section.

(b) Submit a report containing its findings, conclusions and recommendations regarding the program adopted pursuant to this section to each *regular* session of the legislature [.

5.] *on or before February 1 of each odd-numbered year.*

6. As used in this section, "assisting agencies" means the".

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

"Sec. 3. NRS 388.367 and 388.368 are hereby repealed.

Sec. 4. Any money specifically appropriated by the legislature for the school to careers program established pursuant to NRS 388.368 for fiscal years 1997-1998 and 1998-1999 must be deposited in the fund for the school to careers program created pursuant to NRS 388.367 and distributed by the state board of education as provided in NRS 388.367, as amended by section 1 of this act.

Sec. 5. On July 1, 2003, or as soon thereafter as is practicable, the state controller shall transfer the balance in the fund for the school to careers program which is not committed for expenditure to the state general fund.".

Amend sec. 3, page 4, by deleting line 19 and inserting:

"Sec. 6. 1. This section and sections 1, 2 and 4 of this act become effective on July 1, 1997.

2. Sections 3 and 5 of this act become effective on July 1, 2003.".

Amend the bill as a whole by adding the text of repealed sections, following sec. 3, to read as follows:

"TEXT OF REPEALED SECTIONS

388.367 Fund for improvement of occupational education.

1. There is hereby created in the state treasury the fund for the improvement of occupational education to be administered by the state board

of education. The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund.

2. Money in the fund must be used for the program to provide pupils with the skills to make the transition from school to work adopted pursuant to NRS 388.368.

3. Money in the fund must not be:

(a) Considered in negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce the amount of money which would otherwise be made available for occupational education in the absence of this section.

4. The state board of education shall establish annually a basic allocation of $25,000 to each school district and community college whose application to participate in the program adopted pursuant to NRS 388.368 is approved by the state board of education. The remaining money must be allocated to:

(a) School districts with approved applications in proportion to the total number of pupils enrolled in grades 7 through 12, inclusive, within the district on the last day of the first month of the school year preceding the school year for which the money is being provided; and

(b) Community colleges with approved applications in proportion to the total number of full-time students enrolled on October 15 of the school year preceding the school year for which the money is being provided.

388.368 Program to provide pupils with skills to make transition from school to work: Objectives; eligibility for participation and funding; report.

1. The state board of education shall adopt a comprehensive program to provide pupils with the skills to make the transition from school to work. The state board of education shall develop, implement and review the program with the assistance of the assisting agencies and the business community that will be included in the partnerships established pursuant to paragraph (a) of subsection 3.

2. The program to provide pupils with the skills to make the transition from school to work must be designed to achieve the following objectives:

(a) To provide all pupils with an equal opportunity to learn about and explore various career options before the completion of middle school.

(b) To provide career counseling for all pupils during the 9th and 10th grades.

(c) To provide all pupils with an equal opportunity to achieve high academic standards and to obtain training in occupations that earn high wages.

(d) To strengthen and expand existing technical and vocational education programs adopted pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. §§ 2301 et seq.).

(e) To adopt a system for issuing certificates of technical or vocational proficiency.

(f) To adopt a curriculum and a system to allow pupils and students to participate in educational activities in the workplace.

(g) To provide all pupils with programs of job training and placement or programs for preparation for postsecondary education during the 12th grade.

(h) To strengthen the relationship between the business community and school districts to promote job training and internships.

(i) To encourage statewide participation in the program.

(j) To meet the continuing educational and developmental needs of teachers and employees of the school district.

(k) To adopt a process to evaluate the program and to integrate improvements into the program.

3. To be eligible to receive funding for and to participate in the program established pursuant to this section, a school district or a community college must submit to the state board of education an application that includes:

(a) A description of the partnership between the school district or community college and the business community that will be established to carry out the program adopted pursuant to this section. The partnership must consist of employers, representatives of local educational agencies, local postsecondary educational institutions, representatives of labor organizations, pupils, parents and persons representing rehabilitation, employment and training services.

(b) A plan that describes how the partnership will carry out the objectives of the program, including specific requirements for periodic review and approval by the members of the partnership representing the business community of the means of obtaining those objectives. The members of the partnership who perform the periodic review shall make a determination of whether the program is actually improving the participants' skills to make the transition from school to work. The members of the partnership who perform the periodic review must include employers who are likely to hire pupils who complete the program as well as other employers who are active in the establishment of programs for job training and placement.

(c) A description of an annual evaluation to be conducted by the partnership and used to measure the success of the program. The results of the evaluation must be submitted to the state board of education and contain specific comments from the members of the partnership representing the business community regarding the effectiveness of the program in producing pupils who are ready for employment in the workplace.

(d) Other information the state board of education may require to determine the eligibility of the school district to participate in the program.

4. The state board of education, after consultation with the assisting agencies, shall submit a report containing its findings, conclusions and recommendations regarding the program adopted pursuant to this section to each session of the legislature.

5. As used in this section, "assisting agencies" means the commission on economic development, the department of employment, training and rehabilitation, the welfare division of the department of human resources, the department of information services, the state industrial insurance system, the division of state library and archives of the department of museums, library and arts and the University and Community College System of Nevada.".

Assemblyman Williams moved that the Assembly do not concur in Senate Amendment No. 976 to Assembly Bill No. 191.

Remarks by Assemblyman Williams.

Motion carried.

The following Senate amendment was read:

Amendment No. 1155.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. Section 5 of chapter 664, Statutes of Nevada 1993, as amended by section 1 of chapter 343, Statutes of Nevada 1995, at page 862, is hereby amended to read as follows:

Sec. 5. This act becomes effective on July 1, 1993 . [, and expires by limitation on June 30, 1999.]".

Amend sec. 6, page 5, line 16, by deleting "2" and inserting "2, 2.5".

Amend the title of the bill, second line, after the semicolon by inserting: "repealing the prospective expiration of the authority of boards of trustees of school districts to establish rules concerning school-based decision making;".

Amend the summary of the bill, first line, after "governing" by inserting: "school-based decision making and".

Assemblyman Williams moved that the Assembly do not concur in Senate Amendment No. 1155 to Assembly Bill No. 191.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 471.

The following Senate amendment was read:

Amendment No. 1149.

Amend section 1, page 1, line 3, by deleting "*The*" and inserting: "*Except as otherwise provided in subsection 2, the*".

Amend section 1, page 1, line 6, by deleting: "*, a territory of the United States*".

Amend section 1, page 1, by deleting lines 7 through 9 and inserting:

"*(b) Has received a degree from a dental school or college accredited by the American Dental Association Commission on Dental Accreditation, or its successor organization;*

(c) Has at least 5 years of clinical experience obtained after receiving such a degree; and

(d) Has entered into a contract with a facility approved by the health division of the department ".

Amend section 1, page 1, by deleting line 13 and inserting:

"*(a) Who has failed to pass the examination of the board;*".

Amend section 1, page 2, line 1, by deleting: "*by the board;*" and inserting: "*in this state, another state or territory of the United States or the District of Columbia;*".

Amend section 1, page 2, line 2, by deleting the italicized period and inserting: "*in this state, another state or territory of the United States or the District of Columbia.*".

Amend section 1, page 2, by deleting line 6 and inserting:

"*(1) Under the supervision of a dentist who is licensed to practice dentistry in this state and appointed by the health division of the department to supervise dental care that is provided in a facility which has entered into a contract with the person to whom a restricted license is issued and which is approved by the health division of the department; and* ".

Amend section 1, page 2, line 7, by deleting "*(c)*" and inserting "*(d)*".

Amend section 1, page 2, line 10, by deleting the italicized period and inserting: ", *which includes, without limitation, providing dental services to a person who pays for the services.*".

Amend section 1, page 2, by deleting lines 11 and 12 and inserting:

"*4. A person who receives a restricted license must pass the examination of the board within 1 year after receiving his restricted license. If the person fails to pass that examination, the board shall revoke the restricted license.*

5. The board may revoke a restricted license at any time.".

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2 and the text of the repealed section, following section 1, to read as follows:

"Sec. 2. NRS 631.270 is hereby repealed.

TEXT OF REPEALED SECTION

631.270 Limited license.

1. The board shall without examination grant a limited license to practice dentistry in this state to any graduate of an accredited dental school, who is otherwise qualified, upon request of the governing board of any accredited hospital for such graduate to serve as a dental intern in such institution, with such limited duties as may be defined in such request.

2. No such limited license shall be granted to any person whose license to practice dentistry has been revoked or to whom a license has been refused.

3. Such limited license shall not permit the holder thereof to open an office for private practice or to receive compensation for the practice of

dentistry except such salary as may be paid by the State of Nevada, its legal subdivision, or the institution by which he is employed.

4. Such limited license may be revoked by the board at any time, and shall expire by its own limitation 6 months after the date of its issuance, but may be renewed for a similar period at the discretion of the board.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "a license; and providing other matters properly".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 471.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 57.

Resolution read.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 57 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Perkins moved that Senate Bill No. 450 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 256 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Freeman moved that Assembly Concurrent Resolution No. 37 be taken from the Chief Clerk's desk and re-referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1173.

Amend section 1, page 2, line 43, by deleting "*3*" and inserting "*4* ".

Amend the bill as a whole by renumbering sections 2 through 7 as sections 3 through 8 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows: *If an employer:*

1. Pays money directly to an employee for use by the employee to pay all or a portion of the cost of child care and the employee selects the child care facility independent of and without any input from the employer;

2. Provides to an employee one or more vouchers for use by the employee to pay all or a portion of the cost of child care at a child care facility licensed and in good standing pursuant to chapter 432A of NRS;

3. Directs or refers an employee to a child care facility licensed and in good standing pursuant to chapter 432A of NRS; or

4. Negotiates a discount or other benefit for an employee at a child care facility licensed and in good standing pursuant to chapter 432A of NRS,

the employer is immune from civil liability for damages arising from or relating to the child care provided to the children of the employee if the damages are caused by an act or omission that constitutes simple negligence.".

Amend sec. 2, page 3, line 2, by deleting: "3 and 4" and inserting: "4 and 5".

Amend sec. 5, page 3, line 20, by deleting "*3*" and inserting "*4* ".

Amend the title of the bill to read as follows: "An Act relating to child care; reducing the amount of the business tax for a business that provides for the care of the children of certain employees; providing immunity from civil liability to an employer for certain acts relating to child care; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second line and inserting: "certain employees and providing employer immunity from civil liability for certain acts relating to child care. (BDR 32-703)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price, Anderson, Goldwater, Lambert, Buckley, Sandoval and Freeman.

Amendment adopted.

Assemblyman Perkins moved that Senate Bill No. 450 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Assembly Bill No. 280:

YEAS — 42.

NAYS — None.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 318.

Bill read third time.

Remarks by Assemblymen Amodei, Carpenter and Freeman.

Roll call on Assembly Bill No. 318:

YEAS — 42.

NAYS — None.

Assembly Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 669.

Bill read third time.

Remarks by Assemblymen Arberry, Evans, Humke, Koivisto and Herrera.

Conflicts of interest declared by Assemblymen Evans and Humke.

Potential conflicts of interest declared by Assemblymen Koivisto and Herrera.

Roll call on Assembly Bill No. 669:

YEAS — 40.

NAYS — None.

Not voting — Evans, Humke — 2.

Assembly Bill No. 669 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 670.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 670:

YEAS — 40.

NAYS — None.

Not voting — Evans, Humke — 2.

Assembly Bill No. 670 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 86.
Bill read third time.
Remarks by Assemblymen Buckley and Lambert.
Assemblywoman Buckley moved that Senate Bill No. 86 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Senate Bill No. 151.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 151:
YEAS — 42.
NAYS — None.
Senate Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 187.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 187:
YEAS — 42.
NAYS — None.
Senate Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 194.
Bill read third time.
Assemblyman Arberry moved that Senate Bill No. 194 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Senate Bill No. 256.
Bill read third time.
Remarks by Assemblymen Goldwater and Collins.
Roll call on Senate Bill No. 256:
YEAS — 39.
NAYS — Amodei, Neighbors — 2.
Not voting — Lambert.
Senate Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 271.

Bill read third time.

Remarks by Assemblymen Williams and Ernaut.

Roll call on Senate Bill No. 271:

YEAS — 42.

NAYS — None.

Senate Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Senate Bill No. 400:

YEAS — 39.

NAYS — Carpenter, Hickey, Tiffany — 3.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 436.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 436:

YEAS — 42.

NAYS — None.

Senate Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 480.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Senate Bill No. 480:

YEAS — 42.

NAYS — None.

Senate Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 488.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Hettrick, Humke, Anderson and Arberry.

Potential conflict of interest declared by Assemblyman Hettrick.

Assemblyman Arberry moved that Senate Bill No. 488 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Senate Bill No. 492.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Lambert.

Conflict of interest declared by Assemblywoman Lambert.

Roll call on Senate Bill No. 492:

YEAS — 41.

NAYS — None.

Not voting — Lambert.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 28.

The following Senate amendment was read:

Amendment No. 1104.

Amend the resolution, pages 1 and 2, by deleting lines 13 through 23 on page 1 and lines 1 through 12 on page 2 and inserting: "directed to study:

1. The laws and other factors which relate to the availability and affordability of insurance for health care for residents of this state;

2. The long-term health care needs of the persons living in the State of Nevada; and

3. The availability of insurance for long-term care in the State of Nevada; and be it further

RESOLVED, That the study must include a review of:

1. For the portion of the study pertaining to the availability and affordability of insurance for health care for residents of this state:

(a) The impact and effectiveness of the current laws of the State of Nevada concerning:

(1) The use and availability of basic health insurance plans and voluntary purchasing groups for small employers;

(2) The implementation of medical savings accounts; and

(3) Access and care for indigent persons;

(b) The impact of the federal Health Insurance Portability and Accountability Act of 1996 on uninsured employees in this state; and

(c) Reforms in laws relating to insurance for health care enacted in other states;

2. For the portion of the study pertaining to the long-term health care needs of the persons living in the State of Nevada:

(a) The availability and affordability of home-health care for persons in this state and the effectiveness of the coverage of Medicare and Medicaid relating to the expenses incurred for long-term health care;

(b) The financial impact on the families of persons who require long-term health care;

(c) The effectiveness and availability of agencies that provide health care in the home and whether that health care is affordable for the majority of the residents of this state;

(d) Whether the programs that provide hospice care are providing adequate physical, psychological, custodial and spiritual care for persons who are terminally ill;

(e) Whether current licensing requirements for persons providing long-term health care are sufficient; and

(f) Whether programs that are currently available within the University and Community College System of Nevada meet the educational needs of the staff required for nursing care facilities and for home-health care; and

3. For the portion of the study pertaining to the availability of insurance for long-term care in the State of Nevada:

(a) The estimated need for insurance for long-term care in Nevada;

(b) The availability of policies for long-term care from insurance companies licensed to provide insurance to residents of this state;

(c) The affordability of such policies;

(d) How the programs by which other states offer such policies to public employees, with an examination of the California Partnership for Long-Term Care;

(e) Partnership models from other states, including other "pooling" and "grouping" systems which allow employees to receive discounted rates; and

(f) Strategies and systems for increasing the availability and affordability of such policies to workers in this state through insurance programs provided by employers and other mechanisms; and be it further

RESOLVED, That no action may be taken by the Legislative Committee on Health Care on proposed legislation recommended as a result of this study unless it receives a majority vote of the Senators on the committee and a majority vote of the Assemblymen on the committee; and be it further

RESOLVED, That the Legislative Committee on Health Care shall report the findings of the study and any recommendations for legislation to the 70th session of the Nevada Legislature.".

Amend the preamble of the resolution, page 1, by deleting lines 1 through 10 and inserting:

"WHEREAS, The Nevada Legislature and Congress have passed legislation in past years that has addressed several aspects of the issues related to increasing the access to insurance for health care for employees whose employers do not provide health insurance; and

WHEREAS, New provisions were added to chapter 689C of NRS during the 1995 Legislative Session that allowed employers of 25 or fewer employees to join and form larger groups in an effort to reduce the high cost of group insurance for those small employers; and

WHEREAS, The Nevada State Medical Association has suggested that those provisions be expanded from employers of 25 or fewer employees to include all employers and self-employed workers; and

WHEREAS, Exemptions from the business tax have been proposed, as an incentive to small business employers who provide insurance for health care to their employees; and

WHEREAS, Suggested reforms encourage the establishment of "risk pools" and medical savings accounts as alternatives to existing health insurance plans to improve coverage of persons with medical conditions which make the purchase of health insurance extremely difficult; and

WHEREAS, The objective of such reforms is to provide full access to insurance for health care for all residents of the State of Nevada; and

WHEREAS, The population of the State of Nevada has experienced unprecedented growth and a large percentage of this growth is attributable to elderly persons who have chosen to retire in this state; and

WHEREAS, The health care needs of this growing segment of the population must be addressed to ensure that their needs are met with the best resources available within this state; and

WHEREAS, It is important to determine the availability of services and facilities that are required for long-term health care within the State of Nevada to ensure the good health and well-being of all the residents of this state; and

WHEREAS, An estimated 53 percent of all elderly persons will need the services of a nursing home at some time in their life; and

WHEREAS, According to the California Partnership for Long-Term Care, approximately 44 percent of the elderly persons who are placed in a nursing home stay 12 months or less, 22 percent stay between 1 and 3 years, 13 percent stay between 3 and 5 years and 21 percent stay 5 years or more; and

WHEREAS, The average cost of long-term care for elderly persons in the United States is approximately $35,000 per year, and that cost is expected to rise by an estimated 7 percent annually according to the United States Congressional Study on Aging; and

WHEREAS, Medicare provides some coverage for persons who are 65 years or older for home care and nursing facilities; and

WHEREAS, The growing number of elderly persons in need of long-term care is of grave concern to this legislative body; now, therefore, be it".

Amend the title of the resolution by deleting the third line and inserting: "Nevada and the availability of insurance for health care.".

Amend the summary of the resolution to read as follows: "Summary—Directs Legislative Committee on Health Care to study long-term health care needs of residents of State of Nevada and availability of insurance for health care. (BDR R-1630)".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 28.

Remarks by Assemblywoman Freeman.

Motion carried.

Resolution ordered enrolled.

Assembly Bill No. 525.

The following Senate amendment was read:

Amendment No. 1135.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 1.9, following the enacting clause, to read as follows:

"Section 1. NRS 365.185 is hereby amended to read as follows:

365.185 1. In addition to any other tax provided for in this chapter, there [shall] *must* be levied an excise tax on gasoline.

2. This tax [shall] *must* be imposed and [shall increase up to a total of 4 cents per gallon,] *will increase* if the tax collected by the Federal Government pursuant to the provisions of 26 U.S.C. § 4081 [, is diminished] *or any other tax collected by the Federal Government relating to gasoline is reduced* or discontinued in whole or in part. The amount of the tax so imposed by this state [shall] *must* be equal to the amount by which the federal tax is reduced.

3. This tax [shall] *must* be accounted for by each dealer and [shall be] collected in the manner provided in this chapter. The tax [shall] *must* be paid to the department and delivered by the department to the state treasurer.

Sec. 1.3. NRS 365.550 is hereby amended to read as follows:

365.550 1. The receipts of the tax [as levied in] *levied pursuant to* NRS 365.180 must be allocated monthly by the department to the counties [upon] *using* the following formula:

(a) One-fourth in proportion to total area.

(b) One-fourth in proportion to population.

(c) One-fourth in proportion to road mileage and street mileage [(] *of* nonfederal aid primary roads . [).]

(d) One-fourth in proportion to vehicle miles of travel on [roads (] nonfederal aid primary roads . [).]

2. The amount [due] *allocated* to the counties under the formula must be remitted monthly. The state controller shall draw his warrants payable to the county treasurer of each of the several counties, and the state treasurer shall pay the warrants out of the proceeds of the tax levied [in] *pursuant to* NRS 365.180.

3. Of the money received by the counties [by reason of] *pursuant to* the provisions of this section:

(a) An amount equal to that part of the allocation which represents 1.25 cents of the tax per gallon must be used exclusively for the service and redemption of revenue bonds issued pursuant to chapter 373 of NRS, for the construction, maintenance and repair of county roads, and for the purchase of equipment for that [work,] *construction, maintenance and repair,* under the direction of the boards of county commissioners of the several counties, and must not be used to defray expenses of administration; and

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated pursuant to the following formula:

(1) If there are no incorporated cities in the county, to the county; and

(2) If there is [one or more incorporated cities] *at least one incorporated city* in the county, to the county and any incorporated cities in the county pursuant to the formula set [out] *forth* for counties in subsection 1. For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

4. The formula computations must be made as of July 1 of each year by the department, based on estimates which must be furnished by the department of transportation. The determination [so] made by the department is conclusive.

5. Each county and incorporated city shall, not later than January 1 of each year, submit a list to the department of transportation setting forth:

(a) Each road or street that is maintained by the county or city; and

(b) The beginning and ending points and the total mileage of each of those roads or streets.

Each county and incorporated city shall, at least 10 days before the list is submitted to the department of transportation, hold a public hearing to identify and determine the roads and streets maintained by the county or city.

6. As used in this section, "construction, maintenance and repair" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a county or city road and is necessary for the safe and efficient use of that road, including, without limitation:

(a) Grades and regrades;

(b) Graveling, oiling, surfacing, macadamizing and paving;

(c) Sweeping, cleaning and sanding roads and removing snow from a road;

(d) Crosswalks and sidewalks;

(e) Culverts, catch basins, drains, sewers and manholes;

(f) Inlets and outlets;

(g) Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;

(h) Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;

(i) Rights of way;

(j) Grade and traffic separators;

(k) Fences, cattle guards and other devices to control access to a county or city road;

(l) Signs and devices for the control of traffic; and

(m) Facilities for personnel and the storage of equipment used to construct, maintain or repair a county or city road.

Sec. 1.5. NRS 365.560 is hereby amended to read as follows:

365.560 1. The receipts of the tax [as levied in NRS 365.190 shall] *levied pursuant to NRS 365.190 must* be allocated monthly by the department to the counties in which the [tax] payment *of the tax* originates.

2. [Such receipts shall] *The receipts must* be apportioned between the county, towns with town boards as organized under NRS 269.016 to 269.019, inclusive, and incorporated cities within the county from the general road fund of the county in the same ratio as the assessed valuation of property within the boundaries of [such] *the* towns or incorporated cities within the county bears to the total assessed valuation of property within the county, including property within the towns or incorporated cities.

3. [All such money so] *Any money* apportioned to a county [shall] *pursuant to subsection 2 must* be expended by the county solely for [the] *:*

(a) The service and redemption of revenue bonds issued pursuant to chapter 373 of NRS [, for the] *;*

(b) The construction, maintenance and repair of the public highways of the county [and for the] *; and*

(c) The purchase of equipment for [such work, and shall] *that construction, maintenance and repair.*

The money must not be used to defray the expenses of administration.

4. [All such money so] *Any money* apportioned to towns or incorporated cities [shall] *pursuant to subsection 2 must* be expended only upon the streets, alleys and public highways of [such] *the* town or city, other than state highways, under the direction and control of the governing body of the town or city.

5. As used in this section, "construction, maintenance and repair" has the meaning ascribed to it in NRS 365.550.

Sec. 1.7. NRS 366.195 is hereby amended to read as follows:

366.195 1. In addition to any other tax provided for in this chapter, there [shall] *must* be levied an excise tax on special fuel.

2. This tax [shall] *must* be imposed and [shall increase up to a total of 4 cents per gallon,] *will increase* if the tax collected by the Federal Government, pursuant to the provisions of 26 U.S.C. § 4041 [, is diminished] *or any other tax collected by the Federal Government relating to special fuel is reduced* or discontinued in whole or in part. The amount of the tax so imposed by this state [shall] *must* be equal to the amount by which the federal tax is reduced.

Sec. 1.9. Chapter 373 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.".

Amend sec. 14, page 4, by deleting lines 37 through 39 and inserting:

"Sec. 14. *"Construction, maintenance and repair" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a public road and is necessary for the safe and efficient use of the public road, including, without limitation:*

1. Grades and regrades;

2. Graveling, oiling, surfacing, macadamizing and paving;

3. Sweeping, cleaning and sanding roads and removing snow from a public road;

4. Crosswalks and sidewalks;

5. Culverts, catch basins, drains, sewers and manholes;

6. Inlets and outlets;

7. Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;

8. Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;

9. Rights of way;

10. Grade and traffic separators;

11. Fences, cattle guards and other devices to control access to a public road;

12. Signs and devices for the control of traffic; and

13. Facilities for personnel and the storage of equipment used to construct, maintain or repair a public road.".

Amend the bill as a whole by deleting sections 15 and 16 and inserting:

"Secs. 15 and 16. (Deleted by amendment.)".

Amend the bill as a whole by deleting section 18 and inserting:

"Sec. 18. (Deleted by amendment.)".

Amend the bill as a whole by adding new sections designated sec. 27.3 and sec. 27.5, following sec. 27, to read as follows:

"Sec. 27.3. 1. The legislative commission shall appoint a subcommittee to conduct an interim study of the cost to the counties and incorporated cities in this state of maintaining highways, roads and streets and the practices of the counties and incorporated cities in maintaining those highways, roads and streets. The subcommittee may contract with one or more consultants to obtain technical advice concerning the study.

2. The subcommittee shall:

(a) Identify the practices and procedures used to maintain the highways, roads and streets in this state or in any other state;

(b) Develop a data base for a uniform system of maintenance of highways, roads and streets by counties and incorporated cities;

(c) Identify procedures for developing that data base;

(d) Develop computer software for use in support of those procedures;

(e) Prepare a manual that sets forth those procedures; and

(f) Determine the average cost per mile of the highways, roads and streets maintained by the counties and incorporated cities in this state.

3. As soon as practicable after July 1, 1997, the director of the legislative counsel bureau shall determine the cost of the study and notify the executive director of the department of taxation of the cost of the study. The cost of the study must not exceed $250,000.

4. Upon receipt of the notice required pursuant to subsection 3, the executive director shall prorate the cost of the study for each month of the 1997-98 fiscal year among each of the counties and cities in the proportion that the amount allocated to a county or city each month pursuant to NRS 365.550 bears to the total amount allocated to all the counties and cities for that month. After determining each month the prorated cost for each county and city, the executive director shall:

(a) Withhold the prorated amount from the amount allocated to the county or city for that month pursuant to NRS 365.550; and

(b) Notify the state controller, in writing, of the amount withheld.

5. Upon receipt of the notice required pursuant to subsection 4, the state controller shall transfer the amount specified in the notice to the legislative fund.

6. The money transferred to the legislative fund pursuant to subsection 5 is hereby authorized for expenditure by the director of the legislative counsel bureau to pay the cost of the study conducted pursuant to this section.

7. The legislative commission shall, not later than November 1, 1998, submit a report of the findings of the subcommittee, including any recommended legislation, to the director of the legislative counsel bureau for transmittal to the 70th session of the Nevada legislature.

Sec. 27.5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.".

Amend the title of the bill, third line, after the semicolon by inserting: "requiring each county and incorporated city to submit a list to the department of transportation setting forth each road or street maintained by the county or city; defining the term "construction, maintenance and repair" for the purposes of using the proceeds of certain taxes on motor vehicle fuel; requiring the legislative commission to conduct an interim study relating to the maintenance of highways, roads and streets by counties and cities;".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to certain taxes on motor vehicle fuel and special fuel and use of certain sales and use taxes. (BDR 32-326)".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 525.

Remarks by Assemblymen Price, Carpenter, Lambert and Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that the action whereby Senate Amendment No. 1135 to Assembly Bill No. 525 was concurred in be rescinded.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 525 be taken from the Unfinished Business File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 329 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 103, 339 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 616; Senate Bills Nos. 211, 254, 315, 319, 327 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 616.

Bill read second time.

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

Amendment No. 1037.

Amend the bill as a whole by deleting sections 1 through 27 and adding new sections designated sections 1 through 37, following the enacting clause, to read as follows:

"Section 1. This act may be cited as the Tahoe-Douglas Visitor's Authority Act.

Sec. 2. The legislature hereby finds and declares that:

1. The necessity for this act results from:

(a) The declining revenues generated by tourism in the Tahoe Township of Douglas County;

(b) The geographical location of the township on the border of the densely populated State of California;

(c) The natural attractions of the township and its availability to tourists; and

(d) The atypical financial problems of the township resulting from the foregoing and other singular factors.

2. A general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act because of the number of atypical factors and special conditions relating thereto.

3. The powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act comply in all respects with any requirement or limitation pertaining thereto and imposed by any constitutional provisions.

Sec. 3. Except as otherwise provided in this act or unless the context otherwise requires, terms used or referred to in this act have the meanings ascribed to them in the Local Government Securities Law, but the definitions in sections 4 to 18, inclusive, of this act, unless the context otherwise requires, govern the construction of this act and of the local Government Securities Law as applied to the township.

Sec. 4. "Authority" means the Tahoe-Douglas Visitor's Authority.

Sec. 5. "County" or "municipality" means Douglas County.

Sec. 6. "Governing body" means the board of county commissioners of Douglas County.

Sec. 7. "Gross taxable rent" means the total amount of rent paid for lodging, including any associated charges that are normally included in the rent.

Sec. 8. "Lodging" means the transaction of furnishing rooms or other accommodations by a vendor to a vendee who for a rent uses, possesses or has the right to use or possess any room or rooms or other units of accommodations in or at taxable premises.

Sec. 9. "Lodgings" means the rooms or other accommodations furnished by a vendor to a vendee by the taxable service of lodging.

Sec. 10. "Municipal" pertains to the county.

Sec. 11. "Occupancy tax" means the tax on lodging imposed by this act.

Sec. 12. "Pledged revenues" means the money designated by the governing body on behalf and in the name of the municipality in any bond ordinance or other proceeding pertaining to the issuance of municipal securities relating to a project which is derived by a municipality from any proceeds of any municipal occupancy tax levied under the Douglas County Lodgers Tax Law.

Sec. 13. "Property" means real property, personal property, mixed property or any other property or combination thereof.

Sec. 14. "Rent" means the consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to an occupancy tax authorized in this act.

Sec. 15. "Taxable premises" means any:

1. Hotel;
2. Motel;
3. Apartment;
4. Time-share project, except when an owner of a unit in the time-share project who has a right to use or occupy the unit is occupying the unit pursuant to a time-share instrument as defined in NRS 119A.150;
5. Apartment hotel;
6. Vacation trailer park;
7. Campground;
8. Park for recreational vehicles; or
9. Other establishment that rents rooms or spaces to temporary or transient guests.

Sec. 16. "Township" means the portion of Douglas County lying within the Tahoe Township, as the boundaries of that township existed on July 1, 1997.

Sec. 17. "Vendee" means a natural person to whom lodgings are furnished in the performance of the taxable service of lodging.

Sec. 18. "Vendor" means a person furnishing lodgings in the performance of the taxable service of lodging.

Sec. 19. 1. An occupancy tax of 1 percent is hereby imposed on vendors furnishing lodgings in the township. The governing body shall administer the tax.

2. Every vendor who furnishes any lodgings within the township is exercising a taxable privilege.

3. A vendor is not exempt from the occupancy tax because the taxable premises are at any time located in a political subdivision other than the municipality.

Sec. 20. 1. The Tahoe-Douglas Visitor's Authority, consisting of five members, is hereby created.

2. The authority consists of:

(a) One member appointed by the board of county commissioners from among their number; and

(b) Four members who are representatives of the association of gaming establishments whose members collectively paid the largest amount of license fees to the state pursuant to NRS 463.370 in the county in the preceding year, chosen by the board from a list of nominees submitted by the association. If there is no such association, the four members so appointed must be representatives of gaming licensees.

Each member of the authority must be a resident of the county.

3. The terms of members appointed pursuant to paragraph (b) of subsection 1 are 4 years. Each member appointed pursuant to paragraph (b) of subsection 1 may succeed himself only twice.

4. If a member ceases to be engaged in the business or occupation which he was appointed to represent, he ceases to be a member, and another person engaged in that business or occupation must be appointed for the unexpired term.

Sec. 21. 1. The municipality may provide that the occupancy tax does not apply:

(a) If a vendee:

(1) Has been a permanent resident of the taxable premises for a period of a least 28 consecutive days; or

(2) Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 28 consecutive days;

(b) If the rent paid by a vendee is less than $2 a day;

(c) To lodgings at religious, charitable, educational or philanthropic institutions, including accommodations at summer camps operated by such institutions;

(d) To clinics, hospitals or other medical facilities;

(e) To privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill;

(f) If the taxable premises does not have at least three rooms or three other units of accommodations for lodging; or

(g) To all or any combination of events or conditions provided in paragraphs (a) to (f), inclusive.

2. The occupancy tax does not apply to:

(a) Lodgings at institutions of the Federal Government, the state, the municipality or any other public body.

(b) The rental of any lodgings by an employee of the Federal Government, the state or a political subdivision of the state, if the transaction is conducted directly with the governmental entity pursuant to a governmental credit card or a contract, purchase order or similar document executed or authorized by an appropriate official of the governmental entity.

Sec. 22. 1. Every vendor providing lodging in the township shall collect the tax and shall act as a trustee therefor.

2. Every vendor providing lodging in the township shall remit the proceeds of the occupancy tax to the governing body.

3. The tax must be charged separately from the rent fixed by the vendor for the lodgings.

Sec. 23. 1. The governing body may provide by ordinance that:

(a) The payment of the occupancy tax pertaining to any lodgings is secured by a lien on the real property at the taxable premises where the lodgings are located;

(b) Any such lien securing the payment of a delinquent occupancy tax may be enforced in the same manner as liens for general taxes ad valorem on real property; and

(c) A vendor is liable for the payment of the proceeds of any occupancy tax which pertains to the vendor's taxable premises and which the vendor failed to remit to the municipality, because of his failure to collect the tax or otherwise.

2. The governing body may provide for a civil penalty for any such failure in an amount of not more than 10 percent of the amount which was not remitted to the municipality but not less than $10.

3. The municipality may bring an action in the district court for the collection of any amounts due, including, without limitation, penalties thereon, interest on the unpaid principal at a rate not exceeding 1 percent per month, the costs of collection and reasonable attorney's fees incurred in connection therewith, except for any tax being collected by the enforcement of a lien pursuant to subsection 1.

Sec. 24. The governing body may provide by ordinance for penalties not to exceed 90 days' imprisonment or a $300 fine for a failure by any person to pay the tax, to remit the proceeds thereof to the municipality or to account properly for any lodging and the tax proceeds pertaining thereto.

Sec. 25. The governing body may provide by ordinance, except as limited by or otherwise provided in this act:

1. A procedure for licensing each vendor and for refusing to license a vendor after an opportunity has been given to the vendor for a public hearing by the governing body concerning the issuance of the license;

2. The times, place and method for the payment of the tax to the municipality, the account and other records to be maintained in connection therewith, a procedure for making refunds and resolving disputes relating to the tax, including exemptions pertaining thereto, the preservation and destruction of records and their inspection and investigation, and, subject to the provisions of subsection 1 of section 23 of this act, a procedure of liens and sales to satisfy such liens; and

3. Other rights, privileges, powers and immunities and other details relating to any licenses, the collection of the occupancy tax and the remittance of the proceeds thereof to the municipality.

Sec. 26. 1. A portion of the proceeds of the occupancy tax, not to exceed 1 percent of the amount collected, may be used to collect and administer the tax.

2. The remaining proceeds of the occupancy tax must be remitted to the authority and used exclusively for:

(a) The advertising, publicizing and promotion of tourism and recreation; and

(b) The planning, construction and operation of a convention center in the township.

Sec. 27. Section 19 of this act is hereby amended to read as follows:

Sec. 19. 1. An occupancy tax of [1] *8* percent is hereby imposed on vendors furnishing lodgings in the township. The governing body shall administer the tax.

2. Every vendor who furnishes any lodgings within the township is exercising a taxable privilege.

3. A vendor is not exempt from the occupancy tax because the taxable premises are at any time located in a political subdivision other than the municipality.

Sec. 28. Section 26 of this act is hereby amended to read as follows:

Sec. 26. 1. *From the proceeds of the occupancy tax paid by vendors located in the township, the governing body shall:*

(a) Pay the principal of, interest on and any prior redemption premiums due in connection with any securities issued by the county pursuant to the Douglas County Lodgers Tax Law which were secured with the proceeds of the occupancy tax collected pursuant to the Douglas County Lodgers Tax Law.

(b) After allocation of those proceeds pursuant to paragraph (a), pay any obligations incurred before July 1, 1997, pursuant to any contractual agreements between the governing body and the Lake Tahoe Visitor's Authority.

2. A portion of the proceeds of the occupancy tax [,] *paid by vendors located in the township,* not to exceed 1 percent of the amount collected, may be used to collect and administer the tax.

[2. The remaining]

3. One-eighth of the proceeds of the occupancy tax *paid by vendors located in the township* must be remitted to the authority . [and]

4. After allocation pursuant to subsections 1, 2 and 3 of the proceeds of the occupancy tax paid by vendors located in the township, the remaining proceeds must be allocated as follows:

(a) Except as otherwise provided in paragraph (b), for each fiscal year beginning on or after July 1, 1999, 50 percent of those proceeds must be retained by the governing body for expenditure in any manner authorized for the expenditure of the proceeds of a tax imposed pursuant to the Douglas County Lodgers Tax Law and 50 percent of those proceeds must be remitted to the authority.

(b) Except as otherwise provided in paragraph (c), for each fiscal year beginning on or after July 1, 2000, the governing body shall revise the allocation required pursuant to this subsection in such a manner that the amount of those proceeds retained by the governing body is reduced, and the amount remitted to the authority is increased, from the amounts for the prior fiscal year by not less than 2 percent and not more than 5 percent of the total amount of the proceeds allocated pursuant to this subsection, until the amount retained by the governing body for each fiscal year equals 35 percent of those proceeds and the amount remitted to the authority for each fiscal year equals 65 percent of those proceeds.

(c) The governing body may, for not more than one of the fiscal years beginning on or after July 1, 2000, elect not to make a revision otherwise required pursuant to paragraph (b).

5. The proceeds remitted to the authority pursuant to subsections 3 and 4 must be used exclusively for:

(a) The advertising, publicizing and promotion of tourism and recreation; and

(b) The planning, construction and operation of a convention center in the township.

Sec. 29. Section 13 of the Douglas County Lodgers Tax Law, being chapter 639, Statutes of Nevada 1969, at page 1251, is hereby amended to read as follows:

Sec. 13. "Gross taxable rent" defined. "Gross taxable rent" means the total amount of rent paid for lodging [.] *, including any associated charges that are normally included in the rent.*

Sec. 30. Section 23 of the Douglas County Lodgers Tax Law, being chapter 639, Statutes of Nevada 1969, at page 1252, is hereby amended to read as follows:

Sec. 23. "Recreational facilities" defined. "Recreational facilities" means beach facilities, wharves, docking accommodations, marinas, jetties, breakwaters, shelters, other boating facilities, playgrounds, swimming pools, golf courses, tennis courts, squash courts, other courts, ball fields, other athletic fields, tracks, racecourses, playgrounds, parks, including without limitation graded, regraded, [gravelled,] *graveled,* surfaced, drained, cultivated and otherwise improved sites therefor, greenhouses, bandstand and orchestra facilities, golf house facilities, club houses, horseshoe pits, ball fields, swings, slides, other playground equipment, stadiums, fieldhouses,

rinks, gymnasiums, appurtenant shower, locker and other bathhouse facilities, amusement halls, dance halls, auditoriums, arenas, theaters, concert halls, museums, exposition buildings, *convention centers, conference grounds, hiking, riding and similar trails,* aviaries, aquariums, zoological gardens, biological gardens and vivariums , [(] or any combination thereof , [)] of the county.

Sec. 31. Section 25 of the Douglas County Lodgers Tax Law, being chapter 639, Statutes of Nevada 1969, at page 1253, is hereby amended to read as follows:

Sec. 25. "Taxable premises" defined. "Taxable premises" means [a hotel, apartment, apartment hotel, apartment house, lodge, lodging house, rooming house, guest house, motor hotel, guest house, guest ranch, ranch resort, guest resort, mobile home, motor court, auto court, auto camp, trailer court, trailer camp, trailer park, tourist camp, cabin or other premises used for lodging.] *any:*

1. Hotel;

2. Motel;

3. Apartment;

4. Time-share project, except when an owner of a unit in the time-share project who has a right to use or occupy the unit is occupying the unit pursuant to a time-share instrument as defined in NRS 119A.150;

5. Apartment hotel;

6. Vacation trailer park;

7. Campground;

8. Park for recreational vehicles; or

9. Other establishment that rents rooms or spaces to temporary or transient guests.

Sec. 32. Section 28 of the Douglas County Lodgers Tax Law, being chapter 639, Statutes of Nevada 1969, as amended by chapter 237, Statutes of Nevada 1987, at page 521, is hereby amended to read as follows:

Sec. 28. Authorization of tax.

1. The municipality may impose an occupancy tax for revenues by ordinance on lodging within the municipality.

2. The occupancy tax shall not exceed 7 percent of the gross taxable rent. Any amount in excess of 5 percent must be used exclusively for advertising, publicizing and promoting *tourism and* the recreational facilities . [for the attraction of tourists and vacationers to the county.]

3. Every vendor who is furnishing any lodgings within the municipality is exercising a taxable privilege.

4. A vendor is not exempt from the occupancy tax because the taxable premises are at any time located in [an incorporated city, incorporated town or other public body,] *a political subdivision* other than the municipality.

Sec. 33. Section 28 of the Douglas County Lodgers Tax Law, being chapter 639, Statutes of Nevada 1969, as last amended by section 32 of this act, is hereby amended to read as follows:

Sec. 28. Authorization of tax.

1. The municipality may impose an occupancy tax for revenues by ordinance on lodging within the [municipality.] *portion of the county lying outside the Tahoe Township, as the boundaries of that township existed on July 1, 1997.*

2. The occupancy tax shall not exceed [7] *8* percent of the gross taxable rent. Any amount in excess of 5 percent must be used exclusively for advertising, publicizing and promoting tourism and the recreational facilities.

3. Every vendor who is furnishing any lodgings within the municipality is exercising a taxable privilege.

4. A vendor is not exempt from the occupancy tax because the taxable premises are at any time located in a political subdivision other than the municipality.

Sec. 34. Section 29 of the Douglas County Lodgers Tax Law, being chapter 639, Statutes of Nevada 1969, at page 1253, is hereby amended to read as follows:

Sec. 29. Exemptions.

1. The municipality may provide that the occupancy tax [shall] *does* not apply:

(a) If a vendee:

(1) Has been a permanent resident of the taxable premises for a period of at least 28 consecutive days; or

(2) Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 28 consecutive days; [or]

(b) If the rent paid by a vendee is less than $2 a day;

(c) To [lodging accommodations] *lodgings* at religious, charitable, educational [,] or philanthropic institutions, including without limitation such accommodations at summer camps operated by such institutions;

(d) To clinics, hospitals or other medical facilities;

(e) To privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill;

(f) If the taxable premises does not have at least three rooms or three other units of accommodations for lodging; or

(g) To all or any combination of events or conditions provided in paragraphs (a) to (f), inclusive.

2. The occupancy tax [shall] *does* not apply to [lodgings] :

(a) Lodgings at institutions of the Federal Government, the state, the municipality or any *other* public body.

(b) The rental of any lodgings by an employee of the Federal Government, the state or a political subdivision of the state, if the transaction is conducted

directly with the governmental entity pursuant to a governmental credit card or a contract, purchase order or similar document executed or authorized by an appropriate official of the governmental entity.

Sec. 35. Section 34 of the Douglas County Lodgers Tax Law, being chapter 639, Statutes of Nevada 1969, as last amended by chapter 237, Statutes of Nevada 1987, at page 522, is hereby amended to read as follows:

Sec. 34. Use of tax proceeds.

1. Subject to the provisions of sections 28 and 35 of this act, the municipality may use the proceeds of its occupancy tax, if any, at any time or from time to time, as the governing body may determine, but subject to any contractual limitations pertaining to such tax proceeds, to defray costs of:

(a) The collection and other administration of the occupancy tax;

(b) The planning, establishment, acquisition, improvement, equipment, repair, operation and maintenance, or any combination thereof, of:

(1) Municipal airport facilities;

(2) Municipal recreational facilities; or

(3) Combined facilities;

(c) The acquisition, improvement, repair, operation, maintenance and disposal, or any combination thereof, of property for such airport facilities, such recreational facilities, or such combined facilities or appurtenant or incidental thereto, including without limitation sites, buildings, fixtures, other structures, other improvements and equipment therefor;

(d) Reasonably advertising, publicizing and promoting *tourism and* the recreational facilities *;* [for the attraction of tourists and vacationists to the county;] or

(e) All or any combination of the foregoing purposes or transactions stated in this subsection.

2. Except as may be otherwise provided in any ordinance or other proceedings authorizing the issuance of or otherwise pertaining to outstanding municipal airport bonds or other outstanding municipal airport securities, the proceeds of the municipal occupancy tax may be held in a reserve account or reserve accounts as the governing body may determine for use subsequently for any one, all or any combination of the purposes or transactions stated in subsection 1.

Sec. 36. 1. From the proceeds of the occupancy tax imposed pursuant to the Douglas County Lodgers Tax Law paid by vendors located in the Tahoe Township of Douglas County, the board of county commissioners of Douglas County shall remit to the Tahoe-Douglas Visitor's Authority, for the fiscal year beginning on July 1, 1998, not less than the same percentage of those proceeds as it remits to the Tahoe-Douglas Visitor's Authority for the fiscal year beginning on July 1, 1997.

2. As used in this section, "vendor" has the meaning ascribed to it in section 27 of the Douglas County Lodgers Tax Law.

Sec. 37. 1. This section and sections 1 to 18, inclusive, 20, 21, 23 to 26, inclusive, and 36 of this act become effective upon passage and approval.

2. Sections 19, 22, 29 to 32, inclusive, 34 and 35 of this act become effective on October 1, 1997.

3. Sections 27, 28 and 33 of this act become effective on July 1, 1999.".

Amend the title of the bill to read as follows: "An Act relating to taxation; creating the Tahoe-Douglas Visitor's Authority; imposing a separate tax on lodging within the Tahoe Township in Douglas County; excluding that area from the operation of the Douglas County Lodgers Tax Law; making various changes to the Douglas County Lodgers' Tax Law; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Imposes separate tax on lodging to support Tahoe-Douglas Visitor's Authority and makes various changes to Douglas County Lodgers Tax Law. (BDR S-1811)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1202.

Amend sec. 2, page 1, by deleting lines 7 through 16 and inserting:

"1. *"Administrator" means the administrator of the commission.*

2. "Commission" means the commission for the preservation of wild horses.

[2. "Commission fund" means the fund for the commission for the preservation of wild horses.]

3. *"Director" means the director of the state department of conservation and natural resources.*

4. "Heil trust" means the money given to the state by the Estate of Leo Heil for the preservation of wild horses in Nevada.

[4.] *5.* "Wild horse" means a horse, mare or colt which is unbranded".

Amend sec. 3, page 2, line 21, by deleting "executive director" and inserting: "[executive director] *administrator*".

Amend sec. 4, page 2, by deleting line 28 and inserting: "[commission for the preservation of wild horses] *director* shall administer the fund.".

Amend sec. 4, page 2, line 29, by deleting "The" and inserting "[The".

Amend sec. 4, page 2, by deleting line 32 and inserting: "for the preservation of wild horses from any".

Amend sec. 4, page 2, line 38, by deleting the brackets.

Amend sec. 4, page 2, by deleting line 40 and inserting: "3.] The money in the [funds created by this section] *fund* must be invested as".

Amend sec. 4, page 2, line 42, by deleting "each" and inserting "[each] *the*".

Amend sec. 4, page 2, by deleting line 43 and inserting:

"[4. The commission for the preservation of wild horses]

3. The director shall authorize".

Amend sec. 4, page 2, line 44, by deleting "funds," and inserting "[funds,] *fund,*".

Amend sec. 4, page 3, line 1, by deleting: "Heil trust fund for wild horses" and inserting: "[Heil trust fund for wild horses] *fund*".

Amend sec. 4, page 3, line 4, by deleting "funds" and inserting "[funds] *fund*".

Amend sec. 4, page 3, by deleting lines 6 through 9 and inserting:

"[5.] *4.* The expenses of the commission must be paid from the interest earned on the deposit or investment of the money in the [Heil trust fund for wild horses.] *fund.*".

Amend sec. 5, page 3, lines 12 and 13, by deleting "executive director" and inserting: "[executive director] *administrator*".

Amend sec. 5, page 3, line 14, by deleting "executive director" and inserting: "[executive director] *administrator*".

Amend sec. 5, page 3, line 17, by deleting "*executive director*" and inserting "*administrator*".

Amend sec. 5, page 3, line 19, by deleting "executive director" and inserting: "[executive director] *administrator*".

Amend sec. 5, page 3, by deleting lines 26 through 31 and inserting: "*administrator or any other person unless the filing is approved by the director and a copy of the filing is provided to:*

(a) Each person who is authorized to graze livestock on the public land which is the subject of the filing;

(b) The chairman of the board of county commissioners of each county where any part of the public land that is the subject of the filing is located; and

(c) Each member of the commission.

The commission shall review the matter concerning the filing at its next meeting.".

Amend sec. 6, page 3, by deleting lines 35 and 36 and inserting: "*on public lands designated by the Secretary of the Interior as sanctuaries for the protection of wild horses and burros pursuant to 16 U. S. C. § 1333 (a), at levels known to achieve* a thriving natural".

Amend sec. 6, page 3, by deleting line 38 and inserting: "*those lands and the use of those lands for multiple purposes, and to identify*".

Amend sec. 6, page 4, line 3, by deleting: "Commission fund and the" and inserting: "[Commission fund and the]".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 11 and 12 and adding new sections designated sections 9 and 10, following sec. 8, to read as follows:

"Sec. 9. 1. The commission for the preservation of wild horses shall prepare a statewide plan to carry out the provisions of NRS 504.430 to 504.490, inclusive. The plan must include an explanation of the manner in which the money in the Heil trust fund for wild horses will be expended to carry out those provisions.

2. The commission shall, in preparing the plan required pursuant to subsection 1, conduct public meetings to receive comments from members of the general public.

3. The commission shall submit a copy of the plan to the director of the legislative counsel bureau not later than March 1, 1999, for transmittal to the 70th session of the Nevada legislature.

Sec. 10. The state controller shall, as soon as practicable after July 1, 1997, transfer any money in the fund for the commission for the preservation of wild horses created pursuant to NRS 504.450 which has not been committed for expenditure, to the Heil trust fund for wild horses created pursuant to NRS 504.450.".

Amend sec. 9, page 5, by deleting line 37 and inserting:

"Sec. 11. 1. Notwithstanding the provisions of subsection 4 of NRS 504.450, there is hereby appropriated from the state general fund to the director's office of".

Amend sec. 9, page 6, by deleting lines 3 through 7 and inserting:

"For the salaries of the members of the commission for the preservation of wild horses and their expenses for travel in this state and the expenses relating to their participation in seminars, public hearings and field trips to gather information required for the preparation and adoption of the plan required by section 9 of this act $13,500

For the salary, benefits and travel and operating expenses of a wildlife staff biologist in the director's office of the state department of conservation and natural resources to assist the commission for the preservation of wild horses in the preparation of the plan required by section 9 of this act .....61,500".

Amend the title of the bill, by deleting the fourth and fifth lines and inserting: "on behalf of the commission unless approved by the director of the state department of conservation and natural resources; abolishing the fund for the commission for the preservation of wild horses; making an appropriation; and providing other".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblymen Carpenter, Giunchigliani, Hettrick, de Braga and Close.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 103.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1224.

Amend sec. 4, page 2, line 23, after "*offenses;*" by inserting "*and*".

Amend sec. 4, page 2, line 29, by deleting "*; and* " and inserting an italicized period.

Amend sec. 4, page 2, by deleting lines 30 through 41.

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblymen Perkins, Nolan and Arberry.

Amendment adopted on a division of the house.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that the vote whereby Senate Bill No. 480 was passed be rescinded.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 480 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 254.

Bill read second time.

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

Amendment No. 1220.

Amend sec. 32, page 25, line 39, by deleting "fund.]" and inserting: "fund. The 5 percent must be calculated in the same manner as the commission calculated for the department of motor vehicles and public safety.]".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Senate Bill No. 254 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Government Affairs.

Senate Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1210.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend sec. 3, page 1, line 11, by deleting "1.".

Amend sec. 3, page 1, by deleting lines 15 through 18.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1213.

Amend the bill as a whole by deleting sections 6 and 7 and inserting:

"Secs. 6 and 7. (Deleted by amendment.)".

Amend sec. 8, page 3, by deleting lines 35 through 44 and inserting:

"Sec. 8. 1. There is hereby appropriated from the state general fund to the state public works board the sum of $140,000 for the renovation of building 7 at the".

Amend sec. 8, page 4, by deleting lines 5 through 44.

Amend sec. 8, page 5, line 1, by deleting "8." and inserting "2.".

Amend sec. 8, page 5, line 3, by deleting "two".

Amend sec. 8, page 5, by deleting line 4 and inserting: "Washoe counties, including at least 8 beds in the facility located in Washoe County by October 1, 1997, and at least 16 beds in facilities located in Clark County by October 1, 1998, for persons in".

Amend sec. 8, page 5, line 6, by deleting "$876,054" and inserting "$236,227".

Amend sec. 8, page 5, line 7, by deleting "$694,191" and inserting "$471,372".

Amend sec. 8, page 5, by deleting lines 11 through 18.

Amend sec. 8, page 5, line 19, by deleting "10." and inserting "3.".

Amend sec. 8, page 5, by deleting line 25.

Amend sec. 8, page 5, line 26, by deleting "$416,395" and inserting "$420,932".

Amend sec. 9, page 5, lines 30 and 31, by deleting: "1, 3, 4, 5, 6, 8, 9 and 10" and inserting: "2 and 3".

Amend sec. 10, page 5, line 35, by deleting "appropriations" and inserting "appropriation".

Amend sec. 10, page 5, line 36, by deleting: "subsections 2 and 7" and inserting "subsection 1".

Amend the bill as a whole by adding a new section designated sec. 10.5, following sec. 10, to read as follows:

"Sec. 10.5. 1. There is hereby appropriated from the state general fund to the motor pool division of the department of administration the sum of $73,932 for the purchase of additional vehicles for use by the mental hygiene and mental retardation division of the department of human resources.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 11, page 5, by deleting lines 39 and 40 and inserting:

"Sec. 11. This act becomes effective on July 1, 1997.".

Amend the title of the bill, sixth line, by deleting "programs" and inserting: "programs, the purchase of vehicles".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Assemblywoman Evans moved that Senate Bill No. 319 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Senate Bill No. 327.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1225.

Amend section 1, page 2, line 6, by deleting "*commissioner*" and inserting "*executive director*".

Amend sec. 10, page 5, between lines 17 and 18, by inserting:

"7. Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to section 2 of [this act.] *Assembly Bill No. 188 of this session.*

8. Pay to each county that creates the office of coordinator of services for veterans, from state money available to him, a portion of the cost of operating the office in an amount determined by the [commissioner.] *executive director.*".

Amend the bill as a whole by deleting sections 28 and 29, renumbering section 30 as section 33 and adding new sections designated sections 28 through 32, following sec. 27, to read as follows:

"Sec. 28. Section 1 of Senate Bill No. 478 of this session is hereby amended to read as follows:

Section 1. NRS 417.110 is hereby amended to read as follows:

417.110 1. [Subject to the provisions of subsection 2, the] *The* executive director may act as guardian of the estate of:

(a) The minor child of a deceased veteran.

(b) An insane or incompetent veteran.

(c) A person who is certified by the United States Department of Veterans Affairs as having money due from the United States Department of Veterans Affairs, the payment of which is dependent upon the appointment of a guardian for the person.

2. [The executive director may act as guardian as provided in subsection 1 only if at the time of appointment the estate, exclusive of money paid or to be paid by the Federal Government, does not exceed $2,500 in personal property or $3,500 in real property, or $2,500 in personal property and $3,500 in real property.

3.] If a person for whom the executive director acts as guardian receives a monthly income of $500 or more, the executive director may charge a fee of 5 percent of the monthly income of the person to pay for the expenses of providing the guardianship service.

Sec. 29. Section 2 of Senate Bill No. 478 of this session is hereby amended to read as follows:

Sec. 2. NRS 417.130 is hereby amended to read as follows:

417.130 1. Notwithstanding the provisions of subsection [3] *2* of NRS 417.110, the executive director may receive a fee, in an amount set by the court, for his guardianship services in any estate where the ward dies leaving no will or heirs.

2. The fee must be deposited in a bank account for veterans' relief.

Sec. 30. Section 2 of Assembly Bill No. 188 of this session is hereby amended to read as follows:

Sec. 2. 1. The board of county commissioners of any county may create by ordinance the office of coordinator of services for veterans. If

such an office is created, the board shall appoint a qualified veteran to hold the office and the board shall establish his compensation.

2. The coordinator of services for veterans shall:

(a) Assist a veteran or his spouse or dependent, if the person requesting assistance is a resident of the county, in preparing, submitting and pursuing any claim that the person has against the United States, or any state, to establish his right to any privilege, preference, care or compensation to which he believes that he is entitled;

(b) Aid, assist and cooperate with the [Nevada commissioner] *executive director* for veteran affairs and the [Nevada deputy commissioner] *deputy executive director* for veteran affairs and with the Nevada veterans' advisory commission;

(c) Disseminate information relating to veterans' benefits in cooperation with the [Nevada commissioner] *executive director* for veteran affairs and the [Nevada deputy commissioner] *deputy executive director* for veteran affairs; and

(d) Perform such other services related to assisting a veteran, his spouse or his dependent as requested by the board of county commissioners.

3. Two or more counties jointly may create one office of coordinator of services for veterans to serve those counties.

Sec. 31. Section 3 of Assembly Bill No. 188 of this session is hereby amended to read as follows:

Sec. 3. 1. Except as otherwise provided in this section, the office of coordinator of services for veterans must be supported from money in the county general fund and from any gifts or grants received by the county for the support of the office.

2. The board of county commissioners of a county that create the office of coordinator of services for veterans is authorized to accept funds from the [Nevada commissioner] *executive director* for veteran affairs pursuant to subsection 8 of NRS 417.090 for the support of the office.

3. The board of county commissioners of a county that creates the office of coordinator of services for veterans may enter into an agreement with the health division of the department of human resources for the purpose of obtaining federal matching funds to contribute to the salaries and expenses of the office of coordinator of services for veterans for its activities which are reasonably related to the programs of the health division of the department of human resources and which benefit or result in cost avoidance for the health division.

4. The board of county commissioners of a county that creates the office of coordinator of services for veterans shall, on or before February 1 of each odd-numbered year, submit a report to the director of the legislative counsel bureau for distribution to each regular session of the legislature describing the efficiency and effectiveness of the office. The

report must include, without limitation, the number, total value and average value of the benefits received by the office on behalf of veterans, their spouses and their dependents.

Sec. 32. 1. This section and sections 1 to 9, inclusive, 11 to 29, inclusive, and 33 of this act become effective on July 1, 1997.

2. Sections 10, 30 and 31 of this act become effective at 12:01 a.m. on July 1, 1997.".

Amend the title of the bill by deleting the twelfth and thirteenth lines and inserting: "veterans' cemeteries; and providing other matters properly relating thereto.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 329.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1218.

Amend section 1, page 1, line 3, by deleting "$650,000" and inserting "$225,000".

Amend sec. 2, page 1, lines 6 and 7, by deleting: "the project is completed" and inserting: "June 30, 1999,".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 491 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 491.

Bill read third time.

The following amendment was proposed by Assemblyman Arberry:

Amendment No. 1029.

Amend sec. 2, page 2, line 32, by deleting "*$11,100*" and inserting "*$15,000*".

Amend the bill as a whole by renumbering sec. 17 as sec. 19 and adding new sections designated sections 17 and 18, following sec. 16, to read as follows:

"Sec. 17. Section 2 of Assembly Bill No. 560 of this session is hereby amended to read as follows:

Sec. 2. NRS 224.050 is hereby amended to read as follows:

224.050 1. Until the first Monday in January [1991,] *1999,* the lieutenant governor is entitled to receive an annual salary of [$12,500.] *$20,000.* From and after the first Monday in January [1991,] *1999,* the lieutenant governor is entitled to receive an annual salary of [$20,000.] *$50,000.*

2. In addition to the annual salary provided for in subsection 1, the lieutenant governor is entitled to receive the compensation provided for a majority of the members of the legislature for a regular session pursuant to NRS 218.210, and the per diem allowance and travel expenses authorized for the members of the legislature.

3. In addition to the salary provided in subsections 1 and 2, the lieutenant governor is entitled to receive $130 for each day on which he is actually employed as governor and the per diem allowance and travel expenses as provided for state officers and employees generally when acting as governor, or when discharging other official duties as lieutenant governor, at times when the legislature is not in session.

Sec. 18. At the general election to be held on November 3, 1998, the following question must be submitted to the voters of this state:

Shall members of the Nevada Legislature receive an increase in their compensation?

Yes ☐ No ☐".

Amend sec. 17, page 13, line 1, by deleting "16," and inserting "18,".

Amend sec. 17, page 13, line 3, by deleting "4, 1998." and inserting: "2, 1998, if and only if a majority of the voters voting on the question submitted pursuant to section 18 of this act votes affirmatively.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 316 be taken from the Chief Clerk's desk and re-referred to the Committee on Judiciary.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 5, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 366 and requests a conference, and appointed Senators Townsend, Rhoads and Neal as a first Committee on Conference to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Ernaut and Buckley as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 366.

GENERAL FILE AND THIRD READING

Assembly Bill No. 339.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1235.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. The provisions of NRS 287.023, 287.0235, 287.040, 287.0475 to the contrary notwithstanding:

1. For the fiscal year 1998-99, the director of the department of administration, based on information provided to him by the public employees' retirement system, shall, to the extent of the appropriation made in section 2 of this act, pay to each school district a pro rata portion of the premium, membership cost or contribution for group insurance or medical and hospital service coverage on behalf of each person who retired from the service of that school district with at least 5 years of service and who is eligible for that coverage pursuant to NRS 287.023, 287.0235, 287.045 or 287.0475. All money received by a school district pursuant to this subsection must:

(a) If the school district self-funds such coverage, be applied by the school district to reduce the premium, membership cost or contribution that would otherwise be paid by the retired person.

(b) If the school district does not self-fund such coverage, be transferred by the school district to the appropriate insurer to reduce the premium, membership cost or contribution that would otherwise be paid by the retired person.

The money received by a school district pursuant to this subsection may not be expended for any other purpose and must not be considered as existing available revenues for the purposes of NRS 288.217.

2. Except as otherwise provided in this subsection, the amount to be paid on behalf of a retired person pursuant to subsection 1 must, to the extent of legislative appropriations, be equal to the monthly base amount of $2.10, multiplied by the number of years of service credited to the retired person, excluding any service purchased pursuant to NRS 286.300. The amount paid must not exceed the actual cost of the coverage selected by the retired person. For the purposes of this subsection:

(a) Credit for service must be calculated in the manner set forth in chapter 286 of NRS.

(b) No proration may be made for a partial year of service.

(c) If the amount of the legislative appropriation for this purpose is less than or exceeds the amount necessary to pay a credit calculated on a monthly base amount of $2.10, the amount of the actual credits must be adjusted proportionally.

(d) If the payment of all or part of the cost of such insurance coverage is currently paid by a school district for retired employees, the amount of the payment required pursuant to this section is in addition to the amount currently paid, not to exceed the actual cost of the coverage selected.

3. The school district, if self-funded, shall apply a credit pursuant to subsection 2 and thereafter bill the remaining premiums, membership costs or contributions for the retired person to the retired person. If the school district is not self-funded, the school district shall enter into an agreement with the insurer for the insurer to apply the credit and thereafter bill the remaining premiums, membership costs or contributions for the retired person to the retired person. If coverage is provided through the state's group insurance program, this agreement must be made through the committee on benefits.

4. Each school district shall set forth separately in the information it submits pursuant to NRS 387.303 to the superintendent of public instruction and the department of taxation:

(a) The actual expenditures made in the prior fiscal year on behalf of persons retired from the service of a school district for the payment of the cost of health insurance pursuant to subsection 1; and

(b) An estimate of the expenditure requirements on behalf of persons retired from the service of a school district for the payment of the cost of health insurance in accordance with subsection 1 for the current fiscal year.

5. For the purposes of preparing the biennial budget request for the distributive school account, the actual expenditures made in the prior fiscal year on behalf of persons retired from the service of a school district for

payment of the cost of health insurance and estimates for each of the years in the upcoming biennium must be separately identified.

Sec. 2. 1. There is hereby appropriated from the state general fund to the department of administration, for the fiscal year 1998-1999, the sum of $3,000,000 for the purpose of making the payments required pursuant to section 1 of this act:

2. The money appropriated pursuant to subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective on July 1, 1997.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Segerblom.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Perkins moved that the Assembly recess until 3:30 p.m.

Motion carried.

Assembly in recess at 1:33 p.m.

ASSEMBLY IN SESSION

At 5:17 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 111; Senate Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 5, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 3, 5, 96, 286, 349, 363, 365, 425, 496, 527, 529, 531, 541, 546, 547, 584, 608, 617, 623, 630, 633, 650, 663, 667.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 17, 375, 578, 602, 613.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 5.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 491.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 200.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 233, 368, 446.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 356, 424.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Shaffer and Raggio as a first Committee on Conference concerning Senate Bill No. 148.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Schneider, O'Connell and Shaffer as a first Committee on Conference concerning Senate Bill No. 314.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Regan, Adler and McGinness as a first Committee on Conference concerning Senate Bill No. 398.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 470.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 111; Senate Bill No. 460 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Senate Bills Nos. 39, 430 be placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 200.

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

Motion carried.

Senate Bill No. 491.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 111.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1197.

Amend section 1, page 1, line 2, by deleting "$407,000 for" and inserting: "$100,000 to assist in".

Amend sec. 2, page 1, lines 5 and 6, by deleting: "the project is completed" and inserting: "June 30, 1999".

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

"Sec. 3. 1. There is hereby appropriated from the state general fund to the Great Basin College the sum of $200,000 to assist in the completion of the shop and administrative office area of the Ely Center of the Great Basin College.

2. Any remaining balance of the appropriation made by subsection 1 of this act must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 4. 1. There is hereby appropriated from the state general fund to the City of Las Vegas the sum of $250,000 for the support of the Mobilized Assistance Shelter for the Homeless (MASH Unit).

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 5. 1. There is hereby appropriated from the state general fund to the State Public Works Board the sum of $75,000 to design a Hi-Tech Learning Center in Pahrump.

2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 3, page 1, by deleting lines 8 and 9 and inserting:

"Sec. 6. This act becomes effective on June 30, 1997.".

Amend the title of the bill to read as follows: "An Act relating to state financial administration; making appropriations for the support of various projects; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes appropriations for support of various projects. (BDR S-1046)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblymen Arberry and Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1168.

Amend sec. 5, page 5, line 38, by deleting "October 15" and inserting: "[October 15] *November 10* ".

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

"Sec. 7. Section 3 of Assembly Bill No. 137 of this session is hereby amended to read as follows:

Sec. 3. This act becomes effective [upon passage and approval or on June 30, 1997, whichever occurs earlier.] *on July 1, 1997.*

Sec. 8. Section 15 of Assembly Bill No. 183 of this session is hereby amended to read as follows:

Sec. 15. 1. This section and sections 1 and 3 to 14, inclusive, of this act become effective on [June 30, 1997.] *July 1, 1997.*

2. Section 2 of this act becomes effective on January 1, 1999.

Sec. 9. Section 4 of Assembly Bill No. 266 of this session is hereby amended to read as follows:

Sec. 4. [This act becomes effective upon passage and approval or on June 30, 1997, whichever occurs earlier.]

1. Subsections 1 and 2 of section 1 and sections 2 and 3 of this act become effective on June 30, 1997.

2. Subsection 3 of section 1 of this act becomes effective on July 1, 1997.

Sec. 10. Section 5 of Assembly Bill No. 606 of this session is hereby amended to read as follows:

Sec. 5. This act becomes effective [upon passage and approval or on June 30, 1997, whichever occurs earlier.] *on July 1, 1997.*

Sec. 11. Section 3 of Senate Bill No. 204 of this session is hereby amended to read as follows:

Sec. 3. This act becomes effective [upon passage and approval or on June 30, 1997, whichever occurs earlier.] *on July 1, 1997.*

Sec. 12. Section 64 of Senate Bill No. 482 of this session is hereby amended to read as follows:

Sec. 64. 1. This section and section 63 of this act become effective upon passage and approval.

2. *Subsection 1 of section 61 of this act becomes effective on June 30, 1997. Subsections 2 to 11, inclusive, of section 61 of this act become effective on July 1, 1997.*

3. Section 27 of this act becomes effective upon passage and approval for purposes of appointing members to the commission on educational technology, created pursuant to section 27 of this act, and on July 1, 1997, for all other purposes.

[3.] *4.* Section 37 of this act becomes effective upon passage and approval for purposes of appointing members to the legislative committee on education, created pursuant to section 37 of this act, and on July 1, 1997, for all other purposes.

[4.] *5.* Section 43 of this act becomes effective upon passage and approval for purposes of appointing members to the council to establish academic standards for public schools, created pursuant to section 43 of this act, and on July 1, 1997, for all other purposes, and expires by limitation on June 30, 2001.

[5.] *6.* Sections 20 to 26, inclusive, 28 to 36, inclusive, 38 to 42, inclusive, [and] 46 to [62,] *60,* inclusive, *and 62* of this act become effective on July 1, 1997.

[6.] *7.* Sections 44 and 45 of this act become effective on July 1, 1997, and expire by limitation on June 30, 2003.

[7.] *8.* Sections 1 to 19, inclusive, of this act become effective on January 1, 1998.".

Amend sec 7, page 7, by deleting line 6 and inserting:

"Sec. 13. 1. This section and sections 7 to 11, inclusive, of this act become effective on June 30, 1997.

2. Sections 1 to 6, inclusive, of this act become effective on July 1, 1997.".

Amend the title of the bill, seventh line, after "budgets;" by inserting: "revising the effective dates of various legislative measures;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 291.

The following Senate amendment was read:

Amendment No. 1017.

Amend section 1, page 1, line 2, by deleting "17," and inserting "18,".

Amend sec. 7, page 2, line 36, by deleting "must specify" and inserting: "must:

(a) Specify".

Amend sec. 7, page 2, between lines 41 and 42, by inserting:

"(b) In a county whose population is 400,000 or more, provide for the cessation of the tax not later than:

(1) The last day of the month in which the department determines that the total sum collected since the tax was first imposed, exclusive of any penalties and interest, exceeds $2.3 billion; or

(2) June 30, 2025,

whichever occurs earlier.".

Amend sec. 8, page 4, by deleting lines 12 and 13 and inserting:

"1. A provision imposing a tax upon retailers at the rate of not more than:

(a) In a county whose population is 100,000 or more but less than 400,000, one-eighth of 1 percent; or

(b) In all other counties, one-quarter of 1 percent,

of the gross receipts of any retailer from the sale of ".

Amend sec. 8, page 4, by deleting lines 30 through 33 and inserting: "written contract:

(a) Entered into on or before the effective date of the tax or the increase in the tax; or

(b) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax or the increase in the tax if the bid was afterward accepted,

if under the terms of the contract or bid the contract".

Amend sec. 13, page 6, line 17, by deleting "submitted to" and inserting "filed with".

Amend sec. 13, page 6, by deleting lines 19 through 21 and inserting: "or wastewater facility.".

Amend sec. 14, page 7, by deleting lines 19 through 21 and inserting:

"(1) Projects for the management of flood plains or the prevention of floods; or

(2) Facilities relating to public safety;".

Amend sec. 14, page 7, by deleting line 34 and inserting:

"(1) Projects for the management of flood plains or the prevention of floods; or".

Amend sec. 14, page 7, line 36, after "The" by inserting: "construction or renovation of facilities for schools;

(d) The".

Amend sec. 14, page 7, by deleting lines 38 and 39 and inserting: "paragraphs (a), (b) and (c); or

(e) Any combination of those purposes.".

Amend sec. 15, page 7, line 43, by deleting: "subsection 2 or 3," and inserting "this section,".

Amend sec. 15, page 8, between lines 23 and 24, by inserting:

"4. In a county whose population is 400,000 or more, no bonds or other securities may be issued pursuant to this section which are payable from or secured by, in whole or in part, any revenue from a tax enacted pursuant to this chapter to be collected after:

(a) The last day of the month in which the department determines that the total sum collected since the tax was first imposed, exclusive of any penalties and interest, exceeds $2.3 billion; or

(b) June 30, 2025,

whichever occurs earlier.".

Amend sec. 17, pages 8 and 9, by deleting lines 42 and 43 on page 8 and lines 1 through 20 on page 9.

Amend sec. 17, page 9, line 21, by deleting "3." and inserting "Sec. 17.".

Amend sec. 17, page 9, line 29, by deleting "(a)" and inserting "1.".

Amend sec. 17, page 9, line 32, by deleting "(b)" and inserting "2.".

Amend sec. 17, page 9, line 33, by deleting "(c)" and inserting "3.".

Amend the bill as a whole by renumbering sections 18 and 19 as sections 21 and 22 and adding new sections designated sections 18 through 20, following sec. 17, to read as follows:

"Sec. 18. If a person has not been habitually delinquent in the payment of any sales or use tax at any time within the immediately preceding 3 years, the department shall disregard the amount of any tax due pursuant to this chapter when determining the amount of any security it may require from that person for the payment of any sales or use tax.

Sec. 19. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to all other taxes imposed on the revenue from the rental of transient lodging, a board of county commissioners in a county whose population is 100,000 or more but less than 400,000 may by ordinance, but not as in a case of emergency, impose a tax at the rate of not more than 1 percent of the gross receipts from the rental of transient lodging throughout the county, including its incorporated cities, upon all persons in the business of providing lodging.

2. The ordinance imposing the tax must include all the matters required by NRS 244.3352 for the mandatory tax, must be administered in the same manner, and imposes the same liabilities, except:

(a) Collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax; and

(b) The governmental entity collecting the tax must transfer all collections to the county and may not retain any part of the tax as a collection or administrative fee.

3. The proceeds of the tax and any applicable penalty or interest must be retained by the county and used for the payment of principal and interest on notes, bonds or other obligations issued by the county to fund the acquisition, establishment, construction or expansion of one or more railroad grade separation projects.

Sec. 20. NRS 244.3359 is hereby amended to read as follows:

244.3359 1. A county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351.

2. A county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991 [.] *, except pursuant to section 19 of this act.*

3. The legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of [an] *:*

(a) An increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority [.] *; and*

(b) A new tax for the acquisition, establishment, construction or expansion of railroad grade separation projects.".

Amend the bill as a whole by renumbering sec. 20 as sec. 28 and adding new sections designated sections 23 through 27, following sec. 19, to read as follows:

"Sec. 23. The legislature hereby finds and declares that:

1. The increased use of the railroad lines in and through the urban areas of Washoe County has caused:

(a) Extensive traffic problems for the drivers of private automobiles as well as commercial vehicles who need reasonable access to these urban areas on a daily basis;

(b) Serious difficulties for emergency vehicles including fire-fighting equipment as well as ambulances which need immediate access to all portions of the county; and

(c) Economic disadvantages for businesses located in both the urban and nonurban areas of the county.

2. A general law cannot be made applicable to the problem addressed by section 24 of this act because of the economic and geographical diversity of the local governments of this state, the unique growth patterns in those local governments and the special conditions experienced in Washoe County related to the increased use of the railroad lines in and through the urban areas of the county.

Sec. 24. 1. The board of county commissioners of Washoe County may by ordinance, but not as in a case of emergency, impose a tax upon the retailers at the rate of not more than one-eighth of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county if the board:

(a) Imposes a tax on the rental of transient lodging pursuant to section 19 of this act in the maximum amount allowed by that section; and

(b) Receives a written commitment from one or more other sources for the expenditure of not less than one-half of the total cost of a project for the acquisition, establishment, construction or expansion of railroad grade separation projects in Washoe County.

2. An ordinance enacted pursuant to subsection 1 may not become effective before a question concerning the imposition of the tax is approved by a two-thirds majority of the members of the board of county commissioners.

3. An ordinance enacted pursuant to subsection 1 must specify the date on which the tax must first be imposed which must occur on the first day of the first month of the next calendar quarter that is at least 60 days after the date on which a two-thirds majority of the board of county commissioners approved the question.

4. An ordinance enacted pursuant to subsection 1 must include provisions in substance as follows:

(a) Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

(b) A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this section, automatically become a part of an ordinance enacted pursuant to subsection 1.

(c) A provision stating the specific purpose for which the proceeds of the tax must be expended.

(d) A provision that the county shall contract before the effective date of the ordinance with the department of taxation to perform all functions incident to the administration or operation of the tax in the county.

(e) A provision that exempts from the tax the gross receipts from the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract:

(1) Entered into on or before the effective date of the tax; or

(2) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax if the bid was afterward accepted,

if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax.

5. No ordinance imposing a tax which is enacted pursuant to subsection 1 may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax enacted pursuant to subsection 1 until those bonds or other obligations have been discharged in full.

6. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the county pursuant to this section must be paid to the department of taxation in the form of remittances payable to the department of taxation.

7. The department of taxation shall deposit the payments with the state treasurer for credit to the sales and use tax account in the state general fund.

8. The state controller, acting upon the collection data furnished by the department of taxation, shall monthly:

(a) Transfer from the sales and use tax account to the appropriate account in the state general fund a percentage of all fees, taxes, interest and penalties collected pursuant to this section during the preceding month as compensation to the state for the cost of collecting the taxes. The percentage to be transferred pursuant to this paragraph must be the same percentage as the percentage of proceeds transferred pursuant to paragraph (a) of subsection 3 of NRS 374.785 but the percentage must be applied to the proceeds collected pursuant to this section only.

(b) Determine for the county an amount of money equal to any fees, taxes, interest and penalties collected in or for the county pursuant to this section during the preceding month, less the amount transferred to the state general fund pursuant to paragraph (a).

(c) Transfer the amount determined for the county to the intergovernmental fund and remit the money to the county treasurer.

9. The county treasurer shall deposit the money received pursuant to subsection 8 in the county treasury for credit to a fund to be known as the railroad grade separation projects fund. The railroad grade separation projects fund must be accounted for as a separate fund and not as a part of any other fund.

10. The money in the railroad grade separation projects fund, including interest and any other income from the fund must only be expended by the board of county commissioners for the payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of the acquisition, establishment, construction or expansion of one or more railroad grade separation projects.

Sec. 25. 1. The legislative auditor shall:

(a) Conduct a performance audit of the Southern Nevada Water Authority;

(b) Prepare a final written report of the audit before January 18, 1999;

(c) Present the final written report to the senate standing committee on taxation and assembly standing committee on taxation of the 70th session of the Nevada legislature; and

(d) After presenting the final written report in accordance with paragraph (c), present the final written report to the legislative commission and the audit subcommittee of the legislative commission.

2. To the extent that the provisions of NRS 218.737 to 218.890, inclusive, are consistent with the requirements of this section, those provisions apply to the audit conducted pursuant to this section. For the purposes of this subsection, the Southern Nevada Water Authority shall be deemed to be an agency of the state.

3. Upon the request of the legislative auditor or his authorized representative, the officers and employees of each member of the Southern Nevada Water Authority shall make available to the legislative auditor any of their books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, which the legislative auditor deems necessary to conduct the audit required by this section.

4. The Southern Nevada Water Authority shall, within 6 months after the period for submission of plans pursuant to paragraph (c) of subsection 1 of NRS 218.8235, submit to the legislative auditor a report specifying the extent to which the recommendations of the legislative auditor have been carried out, the extent to which the recommendations have not been carried out and the reasons for any failure to carry out the recommendations.

Sec. 26. 1. Upon the request of the legislative auditor, the Southern Nevada Water Authority shall transfer to the audit division of the legislative counsel bureau the sum of $120,000 to carry out the provisions of section 25 of this act.

2. Any remaining balance of the sum transferred pursuant to subsection 1 must not be committed for expenditure after January 18, 1999, and must be transferred to the Southern Nevada Water Authority as soon as all payments of money committed have been made.

Sec. 27. If the Southern Nevada Water Authority receives from the state controller, pursuant to section 9 of this act, any proceeds of a tax imposed

pursuant to sections 7 and 8 of this act, the Southern Nevada Water Authority shall:

1. Hold a public hearing 10 years after the date the tax was first imposed.

2. Provide notice of the time and place of the public hearing in the manner set forth in subsection 5 of section 7 of this act.

3. At the public hearing, present a report of its expenditure of the proceeds of the tax and the status of any projects for which those proceeds are being or have been expended.".

Amend the title of the bill by deleting the second and third lines and inserting: "infrastructure; authorizing Washoe County to impose a tax on the rental of transient lodging for railroad grade separation projects under certain circumstances; authorizing certain cities and the Las Vegas Valley Water District to impose an excise tax on the use of water for water facilities; requiring the legislative auditor to conduct a performance audit of the Southern Nevada Water Authority; and providing other".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 291.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 394.

The following Senate amendment was read:

Amendment No. 1136.

Amend section 1, page 1, line 5, after "*inherited*" by inserting "*metabolic*".

Amend section 1, page 1, by deleting lines 9 through 11 and inserting:

"*(b) At least $2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).*".

Amend section 1, page 1, line 15, by deleting: "*October 1, 1997,*" and inserting: "*January 1, 1998,*".

Amend section 1, page 1, between lines 17 and 18, by inserting:

"*4. As used in this section:*

(a) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

(b) "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.".

Amend sec. 2, page 1, line 22, after "*inherited*" by inserting "*metabolic*".

Amend sec. 2, page 2, by deleting lines 4 through 6 and inserting:

"*(b) At least $2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).*".

Amend sec. 2, page 2, line 10, by deleting: "*October 1, 1997,*" and inserting: "*January 1, 1998,*".

Amend sec. 2, page 2, between lines 12 and 13, by inserting:

"*4. As used in this section:*

(a) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

(b) "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.".

Amend sec. 3, page 2, line 17, after "*inherited*" by inserting "*metabolic*".

Amend sec. 3, page 2, by deleting lines 21 through 23 and inserting:

"*(b) At least $2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).*".

Amend sec. 3, page 2, line 27, by deleting: "*October 1, 1997,*" and inserting: "*January 1, 1998,*".

Amend sec. 3, page 2, between lines 29 and 30 by inserting:

"*4. As used in this section:*

(a) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

(b) "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.".

Amend sec. 4, page 2, line 34, after "*inherited*" by inserting "*metabolic*".

Amend sec. 4, page 2, by deleting lines 38 through 40 and inserting:

"*(b) At least $2,500 per year for special food products which are prescribed or ordered by a physician as medically necessary for the treatment of a person described in paragraph (a).*".

Amend sec. 4, page 2, line 44, by deleting: "*October 1, 1997,*" and inserting: "*January 1, 1998,*".

Amend sec. 4, page 3, after line 3, by inserting:

"*4. As used in this section:*

(a) "Inherited metabolic disease" means a disease caused by an inherited abnormality of the body chemistry of a person.

(b) "Special food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended

to be consumed under the direction of a physician for the dietary treatment of an inherited metabolic disease. The term does not include a food that is naturally low in protein.".

Amend the bill as a whole by adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this Title, the provisions of this Title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this Title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized pursuant to this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.170 to 695C.200, inclusive, 695C.250 and 695C.265 *and section 4 of this act* do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid pursuant to a contract with the welfare division of the department of human resources. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 6. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Assemblywoman Evans moved that the Assembly concur in the Senate amendment to Assembly Bill No. 394.

Remarks by Assemblywoman Evans.

Assemblywoman Evans requested that her remarks be entered in the Journal.

Mr. Speaker, this is a friendly amendment. It changes some dates and gives better definitional structure to the bill. I do wish to call to the attention of the Assembly that concern was expressed, with regard to section 5, that this would not apply to health maintenance organizations that would contract with the state under managed care. Indeed, I wish to emphasize that that is not the case, it is not the intent, and that these special prescribed foods would be covered for those who are served by Medicaid.

Thank you, Mr. Speaker.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 466.

The following Senate amendment was read:

Amendment No. 1090.

Amend sec. 3, page 3, line 19, by deleting "January" and inserting "July".

Assemblywoman Krenzer moved that the Assembly concur in the Senate amendment to Assembly Bill No. 466.

Remarks by Assemblywoman Krenzer.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 521.

The following Senate amendment was read:

Amendment No. 977.

Amend sec. 32, page 7, line 42, by deleting "*50*" and inserting "*30*".

Amend sec. 39, page 11, line 15, after "*reside*" by inserting "*or work*".

Amend sec. 40, page 11, by deleting lines 30 through 33 and inserting "*plan.*".

Amend the bill as a whole by adding a new section designated sec. 56.5, following sec. 56, to read as follows:

"Sec. 56.5. *1. Except as otherwise provided in this subsection, an individual health benefit plan issued pursuant to this chapter that includes coverage for maternity care and pediatric care for newborn infants may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the plan to:*

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the individual health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any individual health benefit plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. An individual health benefit plan that offers coverage for maternity care and pediatric care of newborn infants may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because he provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce him to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:

(a) Prohibits an individual health benefit plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between an individual health benefit plan and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents an individual health benefit plan from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.".

Amend sec. 80, page 25, between lines 41 and 42 by inserting: "*If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the group health plan or health insurance coverage may follow such guidelines in lieu of following the length of stay set forth above.*".

Amend sec. 80, page 25, line 44, by deleting "*period* " and inserting: "*length of stay*".

Amend sec. 87, pages 31 and 32, by deleting lines 36 through 43 on page 31 and lines 1 and 2 on page 32 and inserting:

"*3. The premium for a converted policy may not exceed the small group index rate, as defined in paragraph (b) of subsection 3 of NRS 689C.230, applicable to the carrier by more than 110 percent. The small group index rate used by a carrier that does not write insurance to small employers in*

this state must be the average small group index rate, as determined by the commissioner, of the five largest carriers that provide coverage to small employers pursuant to this chapter for their basic and standard health benefit plans. The commissioner shall annually determine the average small group index rate, as measured by the premium volume of the plans, of those five largest carriers.".

Amend sec. 134, page 45, between lines 40 and 41 by inserting: "*If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health benefit plan may follow such guidelines in lieu of following the length of stay set forth above.*".

Amend sec. 134, page 46, line 3, by deleting "*period* " and inserting: "*length of stay*".

Amend sec. 166, page 55, between lines 26 and 27, by inserting:

"*8. Nothing in this section prohibits a reinsuring carrier or an individual reinsuring carrier from terminating the coverage of a small employer or an eligible person on the grounds described in paragraph (c) of subsection 1 of NRS 687B.320.*

9. The plan of operation must provide that:

(a) A reinsuring carrier may reinsure a small employer or an eligible employee or his dependent if coverage is written on or after July 1, 1997; and

(b) An individual reinsuring carrier may reinsure an eligible person or his dependent if coverage is written on or after January 1, 1998.".

Amend sec. 175.3, page 60, line 4, by deleting "*this chapter*" and inserting: "*section 173 of this act*".

Assemblyman Herrera moved that the Assembly concur in Senate Amendment No. 977 to Assembly Bill No. 521.

Remarks by Assemblymen Herrera and Freeman.

Motion carried.

The following Senate amendment was read:

Amendment No. 1099.

Amend sec. 134, page 47, line 9, after the period by inserting: "*The provisions of this subsection do not apply to any health benefit plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.*".

Amend sec. 134, page 47, by deleting lines 13 through 17.

Amend the bill as a whole by adding a new section designated sec. 221.7, following sec. 221.5, to read as follows:

"Sec. 221.7. Section 9 of Assembly Bill No. 348 of this session is hereby amended to read as follows:

Sec. 9. NRS 695F.090 is hereby amended to read as follows:

695F.090 Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions of this Title, to the extent reasonably applicable:

1. NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

3. The requirements of NRS 679B.152.

4. The fees imposed pursuant to NRS 449.465.

5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

6. The assessment imposed pursuant to subsection 3 of NRS 679B.158.

7. Chapter 683A of NRS.

8. To the extent applicable, the provisions of sections 60 to 88, inclusive, of [this act] *Assembly Bill No. 521 of this session* and chapter 689C of NRS relating to the portability and availability of health insurance.

9. Section 1 of this act.".

Amend sec. 222, page 89, line 12, by deleting "689C.410" and inserting: "689C.410, and section 4 of Assembly Bill No. 348 of this session,".

Amend the text of repealed sections by adding the text of section 4 of Assembly Bill No. 348 of this session.

Assemblyman Herrera moved that the Assembly concur in Senate Amendment No. 1099 to Assembly Bill No. 521.

Remarks by Assemblyman Herrera.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Freeman moved that the Assembly do not recede from its action on Senate Bill No. 356, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Freeman.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Freeman, Berman and Von Tobel as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 356.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 489, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Arberry, Marvel and Hettrick as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 489.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 262.

The following Senate amendment was read:

Amendment No. 1161.

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

"Sec. 7. Section 1 of Assembly Bill No. 105 of this session is hereby amended to read as follows:

Section 1. Chapter 623 of NRS is hereby amended by adding thereto a new section to read as follows:

The board may, by regulation, require each architect, interior designer or residential designer who holds a certificate of registration pursuant to the provisions of this chapter to complete not more than 12 hours per year of continuing education as a condition to the renewal of his certificate.".

Amend sec. 7, page 4, line 38, by deleting "Sections" and inserting:

"1. This section and section 7 become effective upon passage and approval or on June 30, 1997, whichever occurs earlier.

2. Sections 1, 3, 5 and 6 become effective on October 1, 1997.

3. Sections".

Amend the title of the bill, third line, after "groups;" by inserting: "clarifies provision regarding annual requirement of continuing education for architects, interior designers and residential designers;".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 262.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 345.

The following Senate amendment was read:

Amendment No. 1086.

Amend section 1, page 1, by deleting lines 7 through 12 and inserting:

"*2. The annual assessment levied on railroads:*

(a) Must be equal to the costs incurred by the commission that are not offset by the fees paid pursuant to NRS 459.512.

(b) Must be not more than 1 cent per ton of cargo transported by the railroads into, out of or through this state during the immediately preceding calendar year.".

Amend section 1, page 1, line 13, by deleting "*4.*" and inserting "*3.*".

Amend section 1, page 2, line 5, by deleting "*5.*" and inserting "*4.*".

Amend section 1, page 2, line 12, by deleting "*6.*" and inserting "*5.*".

Amend section 1, page 2, line 20, by deleting "*7.*" and inserting "*6.*".

Amend the bill as a whole by renumbering sections 3 through 5 as sections 4 through 6 and adding a new section designated sec. 3, to read as follows:

"Sec. 3. Expenditure of the following sums not appropriated from the state general fund or the state highway fund is hereby authorized by the public service commission of Nevada:

1. During the fiscal year beginning July 1, 1997, and ending June 30, 1998, $145,000 for rail safety inspectors.

2. During the fiscal year beginning July 1, 1998, and ending June 30, 1999, $145,000 for rail safety inspectors.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "relating to railroad safety; authorizing certain expenditures by the commission for rail safety inspectors; imposing certain reporting".

Amend the summary of the bill to read as follows: "Summary—Requires certain railroads to pay certain expenses for activities of the public service commission of Nevada relating to railroad safety. (BDR 58-1228)".

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 345.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

The following Senate amendment was read:

Amendment No. 1125.

Amend section 1, page 1, by deleting lines 11 through 17 and inserting: "*punished in accordance with the provisions of NRS 205.380.*".

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 494.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

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

Motion carried.

Assembly in recess at 5:43 p.m.

ASSEMBLY IN SESSION

At 6:11 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 578.

The following Senate amendment was read:

Amendment No. 1169.

Amend sec. 3, page 2, line 5, by deleting "*revoke*" and inserting "*nullify*".

Amend sec. 3, page 2, line 11, by deleting "*revoked.*" and inserting "*nullified.*".

Amend sec. 22.2, page 18, line 30, by deleting "*underlying*".

Amend sec. 22.2, page 18, line 31, after "*your*" by inserting "*underlying*".

Amend sec. 26, page 23, line 8, by deleting "*agent,*" and inserting "*officer,*".

Amend the bill as a whole by adding a new section designated sec. 36.5, following sec. 36, to read as follows:

"Sec. 36.5. A person who is licensed on October 1, 1997, as an agent, broker or solicitor pursuant to NRS 683A.130, an adjuster pursuant to NRS 684A.070, an agent pursuant to NRS 689.235 or 689.520, an escrow officer pursuant to NRS 692A.103, or a bail agent pursuant to NRS 697.150 is entitled to renew his license after that date if he is otherwise qualified to be issued such a license and he has not, on or after October 1, 1997, been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.".

Assemblyman Herrera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 578.

Remarks by Assemblyman Herrera.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 100 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 39 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 100.

Bill read third time.

Remarks by Assemblymen Berman and Anderson.

Assemblyman Anderson moved that Senate Bill No. 100 be re-referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 430.

Bill read third time.

Remarks by Assemblymen Chowning and Collins.

Roll call on Senate Bill No. 430:

YEAS — 29.

NAYS — Anderson, Close, Collins, Evans, Freeman, Goldwater, Herrera, Koivisto, Lee, Mortenson, Perkins, Price — 12.

Absent — Krenzer.

Senate Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Motion carried.

Assembly in recess at 6:24 p.m.

ASSEMBLY IN SESSION

At 6:39 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Senate Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 329; Senate Bills Nos. 103, 234, 458 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 218 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1242.

Amend the bill as a whole by deleting sections 1 through 17 and adding new sections designated sections 1 through 23, following the enacting clause, to read as follows:

"Section 1. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Disaster" means a fire, flood, earthquake, drought, explosion, civil disturbance or any other occurrence or threatened occurrence that, regardless of cause:*

1. Results in, or may result in, widespread or severe damage to property or injury to or the death of persons in this state; and

2. As determined by the governor, requires immediate action to protect the health, safety and welfare of the residents of this state.

Sec. 4. *"Eligible project" means a project that:*

1. Is related to a disaster; and

2. Is proposed, coordinated or conducted by a public or nonprofit private entity that has been designated and approved as qualifying and eligible to receive federal grant money for the disaster from a federal disaster assistance agency.

Sec. 5. *"Fund" means the disaster relief fund created pursuant to section 8 of this act.*

Sec. 6. *"Grant match" means the share of a grant provided by a federal disaster assistance agency that must be matched by a state or local government.*

Sec. 7. *"Local government" has the meaning ascribed to it in NRS 354.474.*

Sec. 8. *1. The disaster relief fund is hereby created as a special revenue fund. The interim finance committee shall administer the fund. Except as otherwise provided in subsection 2, money received from:*

(a) A direct legislative appropriation to the fund;

(b) A transfer of one-half of the interest earned on money in the fund to stabilize the operation of state government made pursuant to NRS 353.288; and

(c) A grant, gift or donation to the fund,

must be deposited in the fund. Except as otherwise provided in section 18 of this act, the interest and income earned on the money in the fund must, after deducting any applicable charges, be credited to the fund.

2. If, at the end of each quarter of a fiscal year, the balance in the fund exceeds 0.75 percent of the total amount of all appropriations from the state general fund for the operation of all departments, institutions and agencies of state government and authorized expenditures from the state general fund for the regulation of gaming for that fiscal year, the state controller shall not, until the balance in the fund is 0.75 percent or less of that amount, transfer any interest earned on money in the fund to stabilize the operation of state government from the state general fund to the fund pursuant to the provisions of NRS 353.288.

3. Money in the fund may be distributed through grants and loans to state agencies and local governments as provided in sections 2 to 15, inclusive, of this act.

4. If the governor declares a disaster, the state board of examiners shall estimate:

(a) The money in the fund that is available for grants and loans for the disaster pursuant to the provisions of sections 2 to 15, inclusive, of this act; and

(b) The anticipated amount of those grants and loans for the disaster.

Except as otherwise provided in this subsection, if the anticipated amount determined pursuant to paragraph (b) exceeds the available money in the fund for such grants and loans, all grants and loans from the fund for the disaster must be reduced in the same proportion that the anticipated amount of the grants and loans exceed the money in the fund that is available for grants and loans for the disaster. If the reduction of a grant or loan from the fund would result in a reduction in the amount of money that may be received by a state agency or local government from the Federal Government, the reduction in the grant or loan must not be made.

Sec. 9. *Money in the fund may be distributed as a grant to a state agency because of a disaster for the payment of expenses incurred by the state agency for:*

1. The repair or replacement of roads, streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the state and damaged by the disaster;

2. Any emergency measures undertaken to save lives, protect public health and safety or protect property in the jurisdiction in which the disaster occurred;

3. The removal of debris from publicly or privately owned land and waterways undertaken because of the disaster; and

4. The administration of a disaster assistance program.

Sec. 10. *Money in the fund may be distributed as a grant to a local government because of a disaster for:*

1. The payment of expenses incurred by the local government for:

(a) The repair or replacement of roads, streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the disaster; and

(b) Any emergency measures undertaken to save lives, protect public health and safety or protect property in the jurisdiction in which the disaster occurred; and

2. The payment of not more than 50 percent of any grant match the local government must provide to obtain a grant from a federal disaster assistance agency for an eligible project to repair damage caused by the disaster within the jurisdiction of the local government.

Sec. 11. *Money in the fund may be distributed as a loan to a local government because of a disaster for:*

1. The payment of expenses incurred by the local government for:

(a) The repair or replacement of roads, streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the disaster;

(b) Any overtime worked by an employee of the local government because of the disaster or any other extraordinary expenses incurred by the local government because of the disaster; and

(c) Any projects to reduce or prevent the possibility of damage to persons or property from similar disasters in the future; and

2. The payment of not more than 50 percent of any grant match the local government must provide to obtain a grant from a federal disaster assistance agency for an eligible project to repair damage caused by the disaster within the jurisdiction of the local government. Before a loan may be distributed to a local government pursuant to this subsection:

(a) The interim finance committee must make a determination that the local government is currently unable to meet its financial obligations; and

(b) The local government must execute a loan agreement in which the local government agrees to:

(1) Use the money only for the purpose of paying the grant match; and

(2) Repay the entire amount of the loan, without any interest or other charges, to the disaster relief fund not later than 10 years after the date on which the agreement is executed.

Sec. 12. *1. A state agency or local government may submit a request to the state board of examiners for a grant or loan from the fund as provided in sections 2 to 15, inclusive, of this act if:*

(a) The agency or local government finds that, because of a disaster, it is unable to pay for an expense or grant match specified in section 9, 10 or 11 of this act from money appropriated or otherwise available to the agency or local government; and

(b) The request has been approved by the chief administrative officer of the state agency or the governing body of the local government.

2. A request for a grant or loan submitted pursuant to subsection 1 must include:

(a) A statement setting forth the amount of money requested by the state agency or local government;

(b) An assessment of the need of the state agency or local government for the money requested; and

(c) A determination of the type, value and amount of resources the state agency or local government may be required to provide as a condition for the receipt of a grant or loan from the fund.

3. Upon the receipt of a request for a grant or loan submitted pursuant to subsection 1, the state board of examiners:

(a) Shall consider the request; and

(b) May require any additional information that it determines is necessary to make a recommendation.

4. If the state board of examiners finds that a grant or loan is appropriate, it shall include in its recommendation to the interim finance committee the proposed amount of the grant or loan. If the state board of examiners recommends a loan for a local government, it shall include the information required pursuant to subsection 1 of section 14 of this act. If the state board of examiners finds that a grant or loan is not appropriate, it shall include in its recommendation the reason for its determination.

5. The provisions of this section do not prohibit a state agency or local government from submitting more than one request for a grant or loan from the fund.

Sec. 13. *1. The state board of examiners shall submit a recommendation for each request for a grant or loan made pursuant to section 12 of this act to the director of the legislative counsel bureau. Upon receipt of the recommendation, the director shall notify the chairman of the interim finance committee of that recommendation. The chairman shall call a meeting of the committee to consider the recommendation.*

2. The interim finance committee may reject any recommendation of the state board of examiners and independently evaluate and act upon any request submitted pursuant to section 12 of this act.

3. If the interim finance committee finds that a grant or loan from the fund is appropriate and may be made in accordance with the provisions of sections 2 to 15, inclusive, of this act, it shall, by resolution:

(a) Establish the amount and purpose of the grant or loan; and

(b) Provide for the transfer of that amount from the fund to the appropriate state agency or local government.

4. No grant or loan from the fund may be made by the interim finance committee to increase the salaries of any officers or employees of the state or a local government.

Sec. 14. *1. In addition to any applicable requirements set forth in section 11 of this act, if the interim finance committee approves a loan to a local government pursuant to the provisions of sections 2 to 15, inclusive, of this act, the approval must include a schedule for the repayment of the loan. The schedule must specify:*

(a) A period of not more than 10 years for the repayment of the loan; and

(b) The rate of interest, if any, for the loan.

2. Except as otherwise provided in subsection 3, if a local government receives a loan from the fund and, before the loan is repaid, the local government receives money from the Federal Government for a grant match or any of the expenses set forth in subsection 1 of section 11 of this act for which the local government received the loan, the local government shall deposit with the state treasurer for credit to the fund an amount of money

equal to the money it received from the Federal Government for the grant match or the expenses.

3. Any money deposited with the state treasurer for credit to the fund pursuant to subsection 2 must be used to pay the unpaid balance of the loan specified in subsection 2. If any money remains after that payment is made, the remaining money must be paid to the local government to whom the loan was made.

Sec. 15. *1. Except as otherwise provided in this section, no grant or loan may be made from the fund to a state agency or local government unless, as a condition of making the grant or loan, the state agency or local government agrees to provide an amount of its resources equal to at least 25 percent of the grant or loan. The state board of examiners shall determine the type, value and amount of the resources, including money, labor, materials, supplies and equipment, that is required to be provided by the state agency or local government.*

2. If a state agency or local government submits a request for a grant or loan pursuant to section 12 of this act and:

(a) It maintains a policy of insurance providing coverage for damages, injuries or other losses incurred because of a disaster; or

(b) If the request is submitted by a local government, it has established a district for the control of floods pursuant to NRS 543.170 to 543.830, inclusive,

the state board of examiners may recommend that the state agency or local government provide a portion of its resources in an amount that is less than the amount required pursuant to subsection 1.

3. The state board of examiners may, if it determines that the state agency or local government is unable to provide any portion of its resources as its contribution for the receipt of a grant or loan, recommend that the state agency or local government not be required to provide any portion of its resources as a condition for the receipt of the grant or loan.

Sec. 16. NRS 353.288 is hereby amended to read as follows:

353.288 1. The fund to stabilize the operation of the state government is hereby created as a special revenue fund. Except as otherwise provided in [subsection 2,] *subsections 2 and 3,* the state controller shall deposit to the credit of the fund two-fifths of any revenue in the state general fund collected by the state for general, unrestricted uses, and not for special purposes, in excess of the amount necessary to:

(a) Pay all appropriations made for the support of the state government for the fiscal year in which that revenue will be deposited in the fund; and

(b) Attain the reserve required by NRS 353.213.

2. The balance in the fund must not exceed 10 percent of the total of all appropriations from the state general fund for the operation of all departments, institutions and agencies of the state government and

authorized expenditures from the state general fund for the regulation of gaming for the fiscal year in which that revenue will be deposited in the fund.

3. *Except as otherwise provided in this subsection and section 8 of this act, beginning with the fiscal year that begins on July 1, 1999, the state controller shall, at the end of each quarter of a fiscal year, transfer from the state general fund to the disaster relief fund created pursuant to section 8 of this act an amount equal to one-half of the interest earned on money in the fund to stabilize the operation of state government during the previous quarter. The state controller shall not transfer more than $500,000 for any quarter pursuant to this subsection.*

4. Money from the fund to stabilize the operation of the state government may be appropriated only:

(a) If the total actual revenue of the state falls short by 5 percent or more of the total anticipated revenue for the biennium in which the appropriation is made; or

(b) If the legislature and the governor declare that a fiscal emergency exists.

Sec. 17. NRS 218.6827 is hereby amended to read as follows:

218.6827 1. Except as otherwise provided in [subsection 2,] *subsections 2 and 3,* the interim finance committee may exercise the powers conferred upon it by law only when the legislature is not in regular or special session.

2. During a regular session , the interim finance committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 1 of NRS 341.145, NRS 353.220, 353.224 and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, subsection 6 of NRS 445B.830 and NRS 538.650 [.] *and sections 2 to 15, inclusive, of this act.* In performing those duties, the senate standing committee on finance and the assembly standing committee on ways and means may meet separately and transmit the results of their respective votes to the chairman of the interim finance committee to determine the action of the interim finance committee as a whole.

3. *During a regular or special session, the interim finance committee may exercise the powers and duties conferred upon it pursuant to the provisions of sections 2 to 15, inclusive, of this act.*

4. If the interim finance committee determines that a fundamental review of the base budget of a state agency is necessary, it shall, by resolution, notify the legislative commission of that finding for assignment of the review to a legislative committee for the fundamental review of the base budgets of state agencies established pursuant to NRS 218.5382.

Sec. 18. Chapter 414 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the emergency assistance account within the disaster relief fund created pursuant to section 8 of this act. Beginning with the fiscal year that begins on July 1, 1999, the state controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the disaster relief fund to the account in an amount not to exceed $500,000.

2. The state emergency response commission shall administer the account. The commission may adopt regulations authorized by this section before, on or after July 1, 1999.

3. All expenditures from the account must be approved in advance by the commission. Except as otherwise provided in subsection 4, all money in the account must be expended solely to:

(a) Provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural or technological emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy; and

(b) Pay any actual expenses incurred by the commission for administration during a natural or technological emergency or disaster.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the account at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the commission may, with the approval of the interim finance committee, allocate all or any portion of the remaining balance to this state or to a local government to:

(a) Purchase equipment or supplies required for emergency management; and

(b) Provide training to personnel related to emergency management.

5. Beginning with the fiscal year that begins on July 1, 1999, the commission shall, at the end of each quarter of a fiscal year, submit to the interim finance committee a report of the expenditures made from the account for the previous quarter.

6. The commission shall adopt such regulations as are necessary to administer the account.

7. The commission may adopt regulations to provide for reimbursement of expenditures made from the account. If the commission requires such reimbursement, the attorney general shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the fund, upon request by the commission.

Sec. 19. NRS 459.738 is hereby amended to read as follows:

459.738 1. The state emergency response commission is hereby created for the purpose of carrying out the provisions of *section 18 of this act,* Public Law 99-499 and other matters relating thereto.

2. The commission consists of not more than 25 members appointed by the governor. The governor shall, to the extent practicable, appoint persons to the commission who have technical expertise in responding to emergencies.

3. The term of each member of the commission is 4 years. A member may be reappointed, and there is no limit on the number of terms that a member may serve.

4. The governor shall appoint one or more of the members of the commission to serve as chairman or co-chairmen.

5. The commission may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of its duties.

Sec. 20. Notwithstanding the amendatory provisions of section 16 of this act, the state controller shall, at the end of the first quarter of the 1999-2000 fiscal year and at the end of the first quarter of each subsequent fiscal year, transfer one-half of the interest earned during the previous quarter on the money in the fund to stabilize the operation of state government created pursuant to NRS 353.288 to the emergency assistance account created pursuant to section 18 of this act, in an amount not to exceed $500,000 per year. Such a transfer must be made until the balance in the disaster relief fund created pursuant to section 8 of this act is sufficient to earn interest in an amount of at least $500,000 annually. Thereafter, the interest earned on the money in the fund to stabilize the operation of state government must be transferred in accordance with the amendatory provisions of sections 8 and 16 of this act.

Sec. 21. A grant or loan may be made from the disaster relief fund pursuant to the provisions of sections 2 to 15, inclusive, of this act for any disaster that occurs on or after January 1, 1997.

Sec. 22. There is hereby appropriated from the state general fund to the disaster relief fund created pursuant to section 8 of this act the sum of $4,000,000.

Sec. 23. 1. This section and sections 1 to 21, inclusive, of this act become effective upon passage and approval.

2. Section 22 of this act becomes effective on June 30, 1997.".

Amend the title of the bill, second line, by deleting "allocations" and inserting "grants".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 234 be taken from General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 480 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 596, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 17.

The following Senate amendment was read:

Amendment No. 1059.

Amend section 1, page 2, lines 6 and 7, by deleting: "*The eligible expenses*" and inserting: "*A county or city that uses the proceeds in that manner must give priority to the development of affordable housing for persons who are disabled or elderly.*

4. The expenses authorized by subsection 3".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 17.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 429.

The following Senate amendment was read:

Amendment No. 1124.

Amend section 1, page 2, line 24, by deleting "$290,000" and inserting "$319,000".

Amend section 1, page 2, line 40, after "4." by inserting: "The Department may not use more than $29,000 of the money appropriated in subsection 1 for the cost of administering the provisions of this section.

5.".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 429.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 613.

The following Senate amendment was read:

Amendment No. 1183.

Amend sec. 6, page 4, by deleting lines 6 through 12 and inserting: "previous offense, guilty of a category D felony and shall be punished as provided in NRS 193.130.".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 613.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 596 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 596.

Bill read second time.

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

Amendment No. 1230.

Amend the bill as a whole by deleting sections 1 through 12 and adding new sections designated sections 1 through 21, following the enacting clause, to read as follows:

"Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this Title, unless the context otherwise requires:

1. *"Board of trustees" includes the board of trustees of the Incline Village school district.*

2. *"County school district" includes the Incline Village school district created pursuant to NRS 386.010.*

3. "Department" means the department of education.

[2.] *4.* "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools and any other schools, classes and educational programs which receive their support through public taxation and whose textbooks and courses of study are under the control of the state board.

[3.] *5. "School district" includes the Incline Village school district created pursuant to NRS 386.010.*

6. "State board" means the state board of education.

Sec. 2. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

The legislature hereby declares that:

1. Incline Village is located in a unique geographic area, thereby isolating the public schools located within Incline Village from the Washoe County school district;

2. The isolation of the public schools in Incline Village presents a need for an Incline Village school district that is accessible and responsive to the unique needs of the public schools in Incline Village and the pupils who are enrolled in those public schools; and

3. The creation of an Incline Village school district:

(a) Addresses the unique needs of the residents of Incline Village to make decisions concerning the educational needs of the pupils who are enrolled in public schools within Incline Village;

(b) Grants to the residents of Incline Village a local board of trustees that is accessible and responsive to the residents concerning the system of public education in Incline Village; and

(c) Will allow the legislature and all other interested parties to consider the desirability of creating school districts in other geographically isolated portions of this state.

4. A special law is necessary to ensure accessibility of the decision-making body of the school district to all pupils and parents and that a general law cannot be made applicable because of the unique geography of the area.

Sec. 3. NRS 386.010 is hereby amended to read as follows:

386.010 1. [County] *Except as otherwise provided in subsection 2,* school districts, the boundaries of which are conterminous with the boundaries of the counties of the state, are hereby created. [The Carson City school district shall be considered as a county school district.]

2. *The Incline Village school district is hereby created, and is comprised of the portion of Washoe County that is within the Tahoe Basin.*

3. Each [county] school district created by this chapter is hereby declared to be a political subdivision of the State of Nevada whose purpose is to administer the state system of public education.

[3.] *4.* Each school district shall have the power to sue and may be sued.

Sec. 4. NRS 386.030 is hereby amended to read as follows:

386.030 *1.* Every county school district [shall] *must* be designated by the name and style of "..... School District" (using the name of the county or city the boundaries of which are conterminous with the boundaries of the county school district).

2. The Incline Village school district must be designated by the name and style of "Incline Village School District."

Sec. 5. NRS 386.120 is hereby amended to read as follows:

386.120 1. The board of trustees of a [county] school district consists of five or seven members as follows:

(a) If 1,000 or more pupils were enrolled *in the school district* during the school year next preceding any general election, the board of trustees consists of seven members. Except in school districts in which more than 25,000 pupils are enrolled, the members of the board must be elected at large until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

(b) If fewer than 1,000 pupils were enrolled *in the school district* during the school year next preceding any general election, the board of trustees consists of five members. The members of the board must be elected as provided in NRS 386.160 until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

(c) If 1,000 or more, but fewer than 1,500 pupils were enrolled *in the school district* during the school year next preceding any general election, the board of trustees consists of seven members unless the board, on or before December 1 in any year before a general election will be held, adopts a resolution specifying that the board will consist of five members. If the board consists of seven members, the election of members is governed by paragraph (a). If the board consists of five members, the election of members is governed by paragraph (b).

2. Before the adoption of a resolution pursuant to paragraph (c) of subsection 1, the board of trustees shall post conspicuously, in three different places in the school district, a notice containing in full the text of the resolution with the date upon which the board of trustees of the school district is to meet to act upon the resolution. Posting of the notice must be made not less than 10 days before the date fixed in the resolution for action thereon.

3. If a board of trustees adopts a resolution pursuant to paragraph (c) of subsection 1, it must transmit a copy of the resolution to the superintendent of public instruction on or before December 15 of the year before the general election will be held.

Sec. 6. NRS 387.170 is hereby amended to read as follows:

387.170 1. There is hereby created in each county treasury a fund to be designated as the county school district fund, except as otherwise provided in subsection [2.] *3.*

2. *In a county in which more than one school district exists, the county treasurer shall separately account in the county school district fund for all money received for each school district in the proportion that the average daily attendance of pupils most recently calculated for each school district pursuant to NRS 387.123 bears to the total average daily attendance of pupils who are enrolled in public schools in the county.*

3. All money received by [the] *a* county treasurer [under] *pursuant to* the provisions of NRS 387.175 may be transferred to a separate account established and administered by the board of trustees of the [county] school district under the provisions of NRS 354.603.

Sec. 7. NRS 387.177 is hereby amended to read as follows:

387.177 1. There is hereby created in each county treasury or in a separate account, if established under NRS 354.603, a fund to be designated as the county school district buildings and sites fund.

2. The county school district buildings and sites fund [shall be] *is* composed of:

(a) Receipts from the rentals and sales of school property.

(b) Gifts to the school district for any or all of the purposes enumerated in NRS 387.335.

(c) All [moneys] *money* received from the Federal Government for the construction of school facilities.

3. [Moneys] *In a county in which more than one school district exists, the county treasurer shall separately account in the county school district buildings and sites fund for all money received for each school district in the proportion that the average daily attendance of pupils most recently calculated for each school district pursuant to NRS 387.123 bears to the total average daily attendance of pupils who are enrolled in public schools in the county.*

4. Money in the county school district buildings and sites fund may be expended by the board of trustees [,] *of each school district in the county* notwithstanding such expenditures have not been budgeted in accordance with law, only for the purposes enumerated in NRS 387.335, and no others.

Sec. 8. NRS 387.195 is hereby amended to read as follows:

387.195 1. Each board of county commissioners shall levy a tax of 75 cents on each $100 of assessed valuation of taxable property within the county for the support of the public schools within the county school district.

2. In addition to any tax levied in accordance with subsection 1, each board of county commissioners shall levy a tax for the payment of interest and redemption of outstanding bonds [of the county] *for each* school district [.] *in the county.*

3. The tax collected pursuant to subsection 1 and any interest earned from the investment of the proceeds of that tax must be credited to the county's school district fund.

4. In a county in which more than one school district exists, the county treasurer shall apportion the money received pursuant to subsection 3 to the separate accounts maintained by the county treasurer for the school districts pursuant to NRS 387.170 in the proportion that the average daily attendance of pupils most recently calculated for the school district pursuant to NRS 387.123 bears to total average daily attendance of pupils who are enrolled in public schools in the county.

5. The tax collected pursuant to subsection 2 and any interest earned from the investment of the proceeds of that tax must be credited to the [county] school district's debt service fund.

Sec. 9. NRS 387.3285 is hereby amended to read as follows:

387.3285 1. Upon the approval of a majority of the registered voters of a [county] *school district* voting upon the question, the board of county commissioners in each county with a school district whose enrollment is fewer than 25,000 pupils may levy a tax which, when combined with any tax imposed pursuant to NRS 387.3287, is not more than 75 cents on each $100 of assessed valuation of taxable property within the [county.] *school district.* The question submitted to the registered voters must include the period during which the tax will be levied. The period may not exceed 20 years.

2. Upon the approval of a majority of the registered voters of a [county] *school district* voting upon the question, the board of county commissioners in each county with a school district whose enrollment is 25,000 pupils or more may levy a tax which, when combined with any tax imposed pursuant to NRS 387.3287, is not more than 50 cents on each $100 of assessed valuation of taxable property within the [county.] *school district.* The question submitted to the registered voters must include the period during which the tax will be levied. The period may not exceed 20 years.

3. Any money collected pursuant to this section must be deposited in the county treasury to the credit of the *school district's* fund for capital projects to be held and, except as otherwise provided in NRS 387.3287, to be expended in the same manner as other money deposited in that fund.

Sec. 10. NRS 387.3287 is hereby amended to read as follows:

387.3287 1. Except as otherwise provided in subsections 4 and 5, upon the approval of a majority of the registered voters of a [county] *school district* voting upon the question, the board of county commissioners in each county may levy a separate tax pursuant to the provisions and subject to the limitations of subsections 1 and 2 of NRS 387.3285.

2. Money raised pursuant to this section must be deposited in the county treasury to the credit of the *school district's* fund for capital projects and must be maintained in a separate budgetary account for the replacement of

capital assets. All interest and income earned on the money in the account must be credited to the account. Except as otherwise provided in subsection 3, money in the account must only be expended for the renovation or replacement of depreciating capital assets of the [county] school district.

3. Money raised pursuant to this section may be expended for the construction of new buildings for schools to accommodate community growth if the expenditure is approved by a majority of the registered voters of the [county] *school district* voting upon the question. An expenditure proposed pursuant to the provisions of this subsection must be submitted as a separate question to the voters on the ballot at a primary, general or special election.

4. The replacement value of the capital assets of a [county] school district must be determined by the board of trustees of the [county] school district before any property tax is levied pursuant to subsection 1. The replacement value may be redetermined before July 1 of each year to become effective for the purposes of this section on the first day of the next fiscal year.

5. The property tax authorized in subsection 1 may not be imposed or collected if the account for the replacement of capital assets contains revenue in an amount equal to or more than 30 percent of the replacement value of the capital assets of the [county] school district.

Sec. 11. NRS 387.541 is hereby amended to read as follows:

387.541 1. Bonds of any such [county] school district for the joint facility must not be issued unless:

(a) The bonds are approved by the debt management commission of the particular county pursuant to NRS 350.001 to 350.006, inclusive; and

(b) The registered voters of each of the [county] school districts approve a proposal for the issuance of the bonds of the particular [county] school district pursuant to the provisions of this chapter.

2. If proposals for the issuance of each school district's general obligation bonds carry as provided in subsection 1, each school district, acting by and through its board of trustees, for the purpose of defraying all or any part of the cost of the joint facility or project, may borrow money and otherwise become obligated in the total authorized principal amount, and may issue within 6 years after the date of the election authorizing the issue, bonds and other securities of the [county] school district constituting its general obligations to evidence obligations, in accordance with the Local Government Securities Law.

3. This section does not prevent any [county] school district from funding, refunding or reissuing at any time any securities of the [county] school district pertaining to the facility or project as provided in the Local Government Securities Law, except as therein limited.

Sec. 12. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

The term "county school district" includes the Incline Village school district created pursuant to NRS 386.010.

Sec. 13. NRS 19.035 is hereby amended to read as follows:

19.035 Notwithstanding any other provision of this chapter, a county clerk shall neither charge nor collect any fee for any service rendered by him to:

1. The State of Nevada;
2. The county of which he is county clerk;
3. Any city or town within that county;
4. [The] *A* school district [of] *in* that county [;] , *including, without limitation, the Incline Village school district created pursuant to NRS 386.010;*
5. Any general improvement district which is located within that county; or
6. Any officer of the state, that county or any such city, town, school district or general improvement district in the officer's official capacity.

Sec. 14. NRS 43.060 is hereby amended to read as follows:

43.060 1. "Governing body" means:

(a) The state commission or state board responsible for the exercise of a power by the state or responsible for an instrument, act or project of the state to which court proceedings authorized by this chapter and initiated by the state pertain; and

(b) The city council, city commission, board of supervisors, board of commissioners, board of trustees, *including, without limitation, the board of trustees of the Incline Village school district created pursuant to NRS 386.010,* board of directors, board of regents or other legislative body of a municipality proceeding under this chapter.

2. "Governing body" does not include the legislature of the State of Nevada if the municipality is the state or any corporation, instrumentality or other agency thereof.

Sec. 15. NRS 207.155 is hereby amended to read as follows:

207.155 1. Except as otherwise provided in subsection 2, no person other than a regularly employed peace officer or other law enforcement officer may inspect the statements, photographs or fingerprints required by NRS 207.153.

2. If the sheriff of a county receives registration data pursuant to NRS 207.152 or 207.154 which indicates that a sex offender committed any offense set forth in NRS 207.151 against a person who was under the age of 18 years, the sheriff shall provide that data to the board of trustees of the county school district , *including, without limitation, the Incline Village school district created pursuant to NRS 386.010,* in which the sex offender

expects to reside. The board of trustees may release that data to any teacher or other educational personnel licensed pursuant to chapter 391 of NRS who is employed by that school district if it determines that the release of the data is reasonably necessary for public protection. Any teacher or other educational personnel who receives such data shall not release it to another person without the prior approval of the board of trustees.

3. A sheriff, board of trustees [,] , *including, without limitation, the board of trustees of the Incline Village school district created pursuant to NRS 386.010,* teacher or other educational personnel who, in good faith, releases or fails to release any registration data pursuant to subsection 2 is immune from any criminal or civil liability for releasing or failing to release the data unless he acted with gross negligence.

Sec. 16. NRS 252.110 is hereby amended to read as follows:

252.110 The district attorney shall:

1. Draw all indictments, when required by the grand jury.

2. Defend all suits brought against his county.

3. Prosecute all recognizances forfeited in the district court and all actions for the recovery of debts, fines, penalties and forfeitures accruing to his county.

4. Except with respect to matters for which the board of trustees of [the] *a* school district , *including, without limitation, the Incline Village school district created pursuant to NRS 386.010,* has employed private counsel, draw all legal papers, give his written opinion when required on matters relating to the duties of the board of trustees and transact the legal business of the school district whose boundaries are conterminous with the boundaries of his county, and perform such other legal duties as may be required of him by the board of trustees.

5. Bring all actions on behalf of the county for abatement of nuisances pursuant to order of the board of county commissioners or, in the discretion of the district attorney, pursuant to an ordinance of the county as provided by NRS 244.360, subsection 6, including actions for injunction, as well as for recovery of compensatory and exemplary damages and costs of suit.

6. Perform such other duties as may be required of him by law.

Sec. 17. All taxes and pledged revenues in existence before July 1, 1999, must not be directly or indirectly modified in such a manner as to impair adversely any outstanding obligations of the Washoe County school district, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made, including, without limitation, the known minimum yield from the investment or reinvestment of money pledged therefor in federal securities.

Sec. 18. 1. On or before July 1, 1999, the superintendent of public instruction, the department of education and the Washoe County school district shall take all actions necessary to prepare for the creation of the

Incline Village school district on July 1, 1999, and matters properly relating thereto.

2. The board of trustees for the Incline Village school district must be elected at the 1998 general election. The county clerk of Washoe County and the secretary of state shall take all actions necessary to facilitate the nomination and election process for the offices of trustees of the Incline Village school district. The persons so elected shall enter upon the duties of their respective offices on the first Monday in January next following their election and as soon as is practicable thereafter shall comply with the provisions of NRS 387.303 in preparation for the upcoming fiscal biennium.

Sec. 19. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section which is not amended by this act or further amended by another act, appropriately correct any incorrect reference regarding the formation and jurisdiction of the Incline Village school district.

2. In preparing supplements to the Nevada Administrative Code, appropriately correct any incorrect reference regarding the formation and jurisdiction of the Incline Village school district.

Sec. 20. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 21. 1. This section and sections 2, 5, and 17 to 20, inclusive, of this act become effective upon passage and approval.

2. Sections 1, 3, 4 and 6 to 16, inclusive, of this act become effective on July 1, 1999.".

Amend the title of the bill to read as follows: "An Act relating to public schools; creating the Incline Village school district; defining "county school district" for purposes of the Nevada Revised Statutes as including the Incline Village school district; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Creates Incline Village school district. (BDR 34-352)".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 329.

Bill read third time.

Remarks by Assemblymen Arberry and Carpenter.

Roll call on Assembly Bill No. 329:
YEAS — 42.
NAYS — None.
Assembly Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 103.
Bill read third time.
Remarks by Assemblyman Anderson.
Assemblyman Anderson moved that Senate Bill No. 103 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Senate Bill No. 444.
Bill read third time.
Remarks by Assemblyman Collins.
Assemblyman Collins moved that Senate Bill No. 444 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Collins.
Motion carried.

Senate Bill No. 458.
Bill read third time.
Remarks by Assemblywoman Braunlin.
Roll call on Senate Bill No. 458:
YEAS — 41.
NAYS — Carpenter.
Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 480.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 480:
YEAS — 42.
NAYS — None.
Senate Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 401.

The following Senate amendment was read:

Amendment No. 884.

Amend the bill as a whole by adding a new section designated sec. 10.5, following sec. 10, to read as follows:

"Sec. 10.5. *1. The welfare division shall employ one or more job development coordinators to promote the creation of jobs for persons who receive public assistance.*

2. A job development coordinator employed by the welfare division pursuant to this section shall:

(a) Encourage public and private employers to hire persons who are recipients of public assistance; and

(b) Work with public and private employers to create jobs that are reserved exclusively for recipients of welfare.

3. Job development coordinators employed by the welfare division pursuant to this section are in the classified service of the state.".

Amend the title of the bill, seventh line, after "resources;" by inserting: "requiring the welfare division to employ job development coordinators to promote the creation of jobs for recipients of welfare;".

Assemblywoman Evans moved that the Assembly concur in Senate Amendment No. 884 to Assembly Bill No. 401.

Remarks by Assemblywoman Evans.

Motion carried.

The following Senate amendment was read:

Amendment No. 1079.

Amend section 1, page 2, between lines 15 and 16, by inserting:

"5. This act may be cited as the Nevada Personal Responsibility and Self-Sufficiency Act of 1997.".

Amend sec. 9, page 4, by deleting lines 6 through 10 and inserting: "*program to provide temporary assistance for needy families has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.*

3. If the head of a household that is receiving benefits pursuant to the program to provide temporary assistance for needy families has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,".

Amend sec. 9, page 4, line 14, by deleting "*392.040.*" and inserting: "*392.040 and helping the child to improve his academic performance.*".

Amend sec. 16, page 4, line 42, by deleting "*drugs*" and inserting: "*drugs, mental health services*".

Amend sec. 16, page 5, between lines 3 and 4, by inserting:

"*4. If the assessment required pursuant to subsection 1 indicates that a member of the household may require mental health services, the welfare division shall refer that member of the household to a person professionally qualified in the field of psychiatric mental health.*

5. As used in this section, "person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.".

Amend sec. 17, page 5, line 15, by deleting "*36* " and inserting "*24*".

Amend sec. 17, page 5, by deleting lines 24 through 26 and inserting: "*provision which:*

(a) Requires the head of the household to ensure that the unmarried parent attends training to learn the skills necessary to care for the child; and

(b) Encourages the head of the household to ensure that the unmarried parent participates in a program which provides mentors for unmarried parents who are less than 18 years of age.".

Amend sec. 22, page 8, by deleting lines 20 through 30 and inserting: "*household by one-half; and*

(2) If the failure to comply has not ceased by the end of the period of reduction required by subparagraph (1), permanently terminate the household's benefits.".

Amend the bill as a whole by adding a new section designated sec. 22.5, following sec. 22, to read as follows:

"Sec. 22.5. *The welfare division shall not provide benefits to a person who is prohibited from receiving benefits pursuant to 42 U.S.C. § 608(a).*".

Amend sec. 23, page 9, line 5, by deleting "*that* " and inserting: "*if an adult member of that household* ".

Amend the bill as a whole by adding new sections designated sections 24.2 through 24.8, following sec. 24, to read as follows:

"Sec. 24.2. *1. The welfare division may, within the limitations of available funding, provide for the payment by the welfare division of certain expenses on behalf of an applicant for benefits if the welfare division determines that the applicant is not in need of long-term benefits.*

2. If the welfare division provides for the payment of expenses pursuant to subsection 1, the welfare division shall specify the expenses for which payment may be made.

Sec. 24.4. *1. The welfare division shall, within the limitations of available funding, establish a program which promotes the self-sufficiency of*

a natural father whose paternity is presumed pursuant to NRS 126.051, or a noncustodial parent of a child for whom benefits are being received by a household.

2. If a natural father whose paternity is presumed pursuant to NRS 126.051, or a noncustodial parent of a child for whom benefits are being received by a household chooses to participate in the program established pursuant to subsection 1, the welfare division may, within the limitations of available funding, increase the amount of benefits provided to the head of the household on behalf of the child.

Sec. 24.6. *The welfare division shall, through its regional offices, encourage public and private entities to provide employment opportunities for members of households that are receiving benefits.*

Sec. 24.8. *1. The chief of the program for the enforcement of child support of the welfare division or his designee may enforce a court order for the support of a child against the parents of a noncustodial parent of a child if:*

(a) The custodial parent and noncustodial parent of the child are both less than 18 years of age; and

(b) The custodial parent of the child is a member of a household that is receiving benefits pursuant to the program to provide temporary assistance for needy families.

2. If the chief or his designee enforces a court order against the parents of a noncustodial parent pursuant to subsection 1, the parents of the noncustodial parent are jointly and severally liable for the payments required pursuant to the order.".

Amend sec. 26, page 10, line 33, after "inclusive," by inserting: "[and] section 2 of [this act,] *Assembly Bill No. 13 of this session,*".

Amend sec. 28, page 10, by deleting line 42 and inserting "3. Medicaid;".

Amend sec. 34, page 13, line 14, by deleting: "assistance to the medically indigent" and inserting "Medicaid ".

Amend the bill as a whole by adding a new section designated sec. 36.5, following sec. 36, to read as follows:

"Sec. 36.5. NRS 422.240 is hereby amended to read as follows:

422.240 1. Money to carry out the provisions of NRS 422.070 to 422.410, inclusive, *including, without limitation, any federal money allotted to the State of Nevada pursuant to the program to provide temporary assistance for needy families and the program for child care and development,* must be provided by appropriation by the legislature from the state general fund.

2. Disbursements for the purposes of NRS 422.070 to 422.410, inclusive, must be made upon claims duly filed, audited and allowed in the same manner as other money in the state treasury is disbursed.".

Amend sec. 37, page 14, by deleting line 27 and inserting "(c) Medicaid;".

Amend sec. 39, page 15, line 18, by deleting: "assistance to the medically indigent" and inserting "Medicaid".

Amend sec. 39, page 15, by deleting lines 23 and 24 and inserting:

"(b) Recover from the recipient of Medicaid or the person who signed the application for Medicaid".

Amend sec. 39, page 15, line 38, by deleting: "assistance to the medically indigent" and inserting "Medicaid".

Amend sec. 39, page 15, line 42, by deleting: "assistance to the medically indigent" and inserting "Medicaid".

Amend sec. 39, page 16, line 4, by deleting: "assistance to the medically indigent" and inserting "Medicaid".

Amend sec. 39, page 16, lines 15 and 16, by deleting: "assistance to the medically indigent" and inserting "Medicaid".

Amend sec. 39, page 16, by deleting lines 19 through 26 and inserting:

"(a) The death of the recipient of Medicaid;

(b) The death of the surviving spouse of the recipient of Medicaid;

(c) The death of all children of the recipient of Medicaid who are blind or permanently and totally disabled as determined in accordance with 42 U.S.C. § 1382c; and

(d) The arrival of all other children of the recipient of Medicaid at the age of 21 years.".

Amend sec. 42, page 17, line 32, after "2." by inserting: "*Shall report to the interim finance committee quarterly concerning the regulations adopted by the welfare division for the administration of the program;*

3.".

Amend sec. 42, page 17, line 34, by deleting "3." and inserting "[3.] *4.*".

Amend sec. 70, page 20, between lines 36 and 37, by inserting: "*A financial institution doing business in this state which receives from the division a notice of lien, notice of attachment or notice of levy on a lien is not required to encumber or surrender any assets received by the financial institution on behalf of the responsible parent after the financial institution received the notice of lien, notice of attachment or notice of levy on a lien.*".

Amend the bill as a whole by adding a new section designated sec. 163.5, following sec. 163, to read as follows:

"Sec. 163.5. *Except as otherwise provided in section 162 of this act, every court order for the support of a child issued or modified in this state on or after the effective date of this section must include a provision specifying whether the parent required to pay support is required to provide coverage for the health care of the child and, if so, any details relating to that requirement.*".

Amend sec. 166, page 78, line 30, after "*recorded* " by inserting: "*in the manner prescribed in NRS 17.150 for the recording of a judgment lien*".

Amend the bill as a whole by adding a new section designated sec. 308.5, following sec. 308, to read as follows:

"Sec. 308.5. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

The labor commissioner shall adopt regulations to establish the procedures required pursuant to 42 U.S.C. § 607(f).".

Amend the bill as a whole by adding new sections designated sections 323.3 and 323.7, following sec. 323, to read as follows:

"Sec. 323.3. 1. The welfare division of the department of human resources shall conduct a study of the feasibility of organizing the program to provide temporary assistance for needy families in such a manner that:

(a) After a household has received benefits pursuant to the program for 24 months, regardless of whether those months are consecutive or cumulative, the household is prohibited from receiving additional benefits for 12 consecutive months;

(b) If a household has not received benefits for 12 consecutive months, the household is eligible to receive benefits for an additional 12 months, regardless of whether those months are consecutive or cumulative; and

(c) A household that has received additional benefits in the manner described in paragraph (b) is prohibited from receiving additional benefits for 12 consecutive months, but may thereafter receive benefits for 12 additional months in the manner described in paragraph (b) until the household becomes ineligible for benefits pursuant to 42 U.S.C. § 608(a)(7).

2. The welfare division shall report the results of the study conducted pursuant to this section and any recommendations for legislation to the director of the legislative counsel bureau on or before January 1, 1999, for transmittal to the 70th session of the Nevada legislature.

Sec. 323.7. 1. The welfare division of the department of human resources shall prepare a report on the number of children born into households that are receiving benefits pursuant to the program to provide temporary assistance for needy families. The report must include:

(a) The number of households which are receiving benefits pursuant to the program and which include a child who was born not less than 10 months after the head of the household applied for those benefits; and

(b) The amount by which the benefits provided to those households were increased to reflect the birth of the child.

2. The welfare division shall provide a copy of the report to the director of the legislative counsel bureau on or before January 1, 1999, for transmittal to the 70th session of the Nevada legislature.".

Amend sec. 325, pages 141 and 142, by deleting lines 25 through 44 on page 141 and lines 1 through 16 on page 142 and inserting: "effective on June 30, 1997.

2. Sections 1 to 6, inclusive, 10 to 15, inclusive, 30 to 33, inclusive, 35, 36, 40 to 43, inclusive, 102, 105.5, 106, 107, 113, 114, 283, 284, 308, 309, 321, 323.3, 323.7 and 324 of this act, and subsection 1 of section 320 of this act, become effective on July 1, 1997.

3. Sections 26, 28, 34, 37 and 39 of this act become effective at 12:01 a.m. on July 1, 1997.

4. For the purpose of adopting regulations and conducting any preliminary activities necessary to carry out the provisions of this act in a timely manner, the remaining provisions of this act become effective upon passage and approval. For all other purposes:

(a) Sections 44 to 82, inclusive, 83 to 88, inclusive, 89, 90, 91, 92, 93, 94, 95, 96 to 100, inclusive, 103, 104, 105, 108 to 111, inclusive, 115 to 126, inclusive, 127, 128, 129 to 133, inclusive, 134, 135, 136, 137, 138, 139 to 154, inclusive, 155, 156, 157, 158 to 172, inclusive, 173 to 183, inclusive, 184 to 190, inclusive, 190.5, 191, 192, 193, 194, 277 to 277.7, inclusive, 278.1 to 282, inclusive, 285 to 307, inclusive, 322 and 323 of this act, and subsection 2 of section 320 of this act, become effective on October 1, 1997.

(b) Sections 7, 8, 9, 16 to 25, inclusive, 82.5, 88.5, 90.5, 91.5, 92.5, 95.5, 126.5, 128.5, 133.5, 135.5, 136.5, 137.5, 138.5, 154.5, 157.5, 172.5, 183.5, 190.3, 192.5, 193.5, 195 to 276, inclusive, 278, 308.5 and 310 to 318, inclusive, of this act, and subsection 3 of section 320 of this act, become effective on January 1, 1998.

5. Sections 123.5 and 277.1 of this act expire by limitation on January 1, 1998.".

Assemblywoman Evans moved that the Assembly concur in Senate Amendment No. 1079 to Assembly Bill No. 401.

Remarks by Assemblywoman Evans.

Motion carried.

The following Senate amendment was read:

Amendment No. 1146.

Amend sec. 10.5, page 4, line 28, by deleting "*welfare division*" and inserting: "*department of employment, training and rehabilitation*".

Amend sec. 10.5, page 4, line 31, by deleting "*welfare division*" and inserting: "*department of employment, training and rehabilitation*".

Amend sec. 10.5, page 4, by deleting lines 35 through 37 and inserting:

"*(b) Work with public and private employers to create jobs.*

3. Job development coordinators employed by the department of employment, training and rehabilitation".

Amend the title of the bill by deleting the seventh and eighth lines and inserting: "resources; requiring the department of employment, training and

rehabilitation to employ job development coordinators to promote the creation of jobs for recipients of public assistance; revising the provisions".

Assemblywoman Evans moved that the Assembly concur in Senate Amendment No. 1146 to Assembly Bill No. 401.

Remarks by Assemblywoman Evans.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 375.

The following Senate amendment was read:

Amendment No. 1140.

Amend sec. 3, page 1, line 13, by deleting "*a misrepresentation,*".

Amend sec. 3, page 1, line 14, by deleting "*improper,*".

Amend sec. 4, page 2, line 13, by deleting "*an*" and inserting "*a second*".

Amend sec. 16, page 6, by deleting lines 20 through 22 and inserting: "*to determine whether he is eligible for the services offered by the division. The evaluation must be conducted:*

(a) Within 72 hours if the person has requested inpatient services; or

(b) Within 72 regular operating hours, excluding weekends and holidays, if the person has requested community-based or outpatient services.".

Amend sec. 18, page 6, line 31, after "psychologist," by inserting: "*marriage and family therapist,*".

Amend sec. 18, page 6, line 32, after "psychologist," by inserting: "*marriage and family therapist,*".

Assemblywoman Buckley moved that the Assembly concur in Senate Amendment No. 1140 to Assembly Bill No. 375.

Remarks by Assemblywoman Buckley.

Motion carried.

The following Senate amendment was read:

Amendment No. 1177.

Amend sec. 3, page 1, by deleting lines 11 through 13 and inserting:

"*1. The right not to be admitted to the facility under false pretenses or as a result of any improper, unethical or unlawful*".

Amend sec. 3, page 2, line 1, by deleting "*To*" and inserting: "*The right to*".

Amend sec. 4, page 2, line 6, before "*Each*" by inserting "*1.*".

Amend sec. 4, page 2, line 11, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 4, page 2, line 14, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 4, page 2, line 16, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 4, page 2, line 18, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 4, page 2, line 20, by deleting "*3.*" and inserting "*(c)*".

Amend sec. 4, page 2, between lines 21 and 22, by inserting:

"*2. If the results of an evaluation conducted by a psychiatrist or psychologist pursuant to subsection 1 conflicts in any manner with the results of an evaluation conducted by the facility, the facility may request and receive a third evaluation of the client to resolve the conflicting portions of the previous evaluations.*".

Amend sec. 13, page 4, line 19, by deleting "*24* " and inserting "*48*".

Assemblywoman Buckley moved that the Assembly concur in Senate Amendment No. 1177 to Assembly Bill No. 375.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 333.

The following Senate amendment was read:

Amendment No. 1145.

Amend section 1, page 1, by deleting line 2 and inserting: "a new section to read as follows: *If a commission develops a fixed guideway project, the department of transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.*".

Amend the bill as a whole by deleting sections 2 through 4 and renumbering sections 5 and 6 as sections 2 and 3.

Amend the bill as a whole by renumbering sections 7 and 8 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 6, to read as follows:

"Sec. 4. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the State of Nevada or a city or county seeks to acquire through exercise, or the threat of exercise, of the power of eminent domain all or part of, or the right to operate, a monorail installed or operated pursuant to sections 8 to 15, inclusive, of this act, the owner is entitled, in addition to any other right provided by law:

(a) To adequate contractual assurance that, after acquisition, the acquirer will provide service, fares and performance conforming to those existing at the time of acquisition, for the period necessary to protect the usefulness of the monorail to the owner; and

(b) To approve any future deletions from or reconfigurations of the monorail, including passenger stations.

2. The acquirer shall hold the owner and operator harmless from any liability or claim arising after the acquisition from the operation or any change made in the installation of the monorail or from any act or omission of the acquirer or its employees, contractors or agents.".

Amend the bill as a whole by deleting sec. 9 and adding new sections designated sections 7 through 20, following sec. 8, to read as follows:

"Sec. 7. Chapter 705 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 15, inclusive, of this act.

Sec. 8. *As used in sections 8 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 9, 10 and 11 of this act have the meanings ascribed to them in those sections.*

Sec. 9. *"Monorail" means a system to transport passengers that is installed and operated on an exclusive fixed guideway. The term:*

1. Includes associated passenger stations, power propulsion systems, lots for parking motor vehicles, workshops and other land and structures.

2. Does not include a system to transport passengers between two end points with no intermediate stops.

Sec. 10. *"Operator" means a person who operates a monorail.*

Sec. 11. *"Owner" means a person who has the financial and technical capability to install and operate a monorail and who has applied for a franchise or other agreement to do so.*

Sec. 12. *A person may install and operate a monorail, and perform any work or borrow money preparatory or incident thereto, in a county whose population is 400,000 or more. The owner or operator may:*

1. Establish the frequency of service and schedules of operation;

2. Establish the fares to be charged; and

3. Charge and collect fares from passengers.

Sec. 13. *1. The work of or incident to the installation and operation of a monorail is not a public work within the meaning of chapter 338 of NRS.*

2. A monorail is not a public utility within the meaning of chapter 704 of NRS.

3. The department of transportation, the county in which a monorail is located or proposed to be located and a city within that county may exercise a power it holds related to transportation to facilitate the installation and operation of a monorail, and may contribute to or assist in the financing of the monorail.

Sec. 14. *1. A county whose population is 400,000 or more, and a city within such a county, may adopt an ordinance, in accordance with the provisions of section 15 of this act, to grant franchises for the installation and operation of monorails within the unincorporated area of the county and incorporated area of the city, respectively.*

2. Before beginning construction of a monorail in a city or in the unincorporated area of a county that has adopted a franchising ordinance, the owner shall apply for a franchise. If the city or county has no such ordinance, the owner may enter into an agreement with the city or county that complies with the provisions of section 15 of this act. Before the city or county may enter into such an agreement, it must provide notice and a public

hearing regarding the proposed agreement in the same manner as for an ordinance proposed to be adopted by the city or county under circumstances other than in an emergency.

3. The granting of a franchise or making of an agreement under subsection 2 dispenses with any permit otherwise required by the city or county. The city or county may, at the request of the owner, designate an officer or agency to cooperate with the owner to facilitate the installation and operation of the monorail.

Sec. 15. *An ordinance or agreement authorized pursuant to section 14 of this act:*

1. Must provide standards for construction and may incorporate existing uniform codes.

2. May include requirements for licensing and zoning, and any other restrictions upon the construction and operation of a monorail.

3. Must include provisions:

(a) Addressing the compatibility of a proposed monorail for connection with a system of transportation operated on a public fixed guideway.

(b) Requiring the owner or operator and any private entity that desires to connect its system of transportation with a monorail to cooperate in such a manner as to provide for the compatibility of passenger stations for such a connection pursuant to terms and conditions that:

(1) Address the effect of that compatibility on the plans of the owner for his capital investment and provide for a reasonable and equitable allocation of that investment;

(2) Provide for a reasonable and equitable allocation of the costs to operate and maintain the monorail; and

(3) Mitigate any other effects on the owner or operator resulting from the provision of that compatibility.

Sec. 16. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone and telegraph lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. As used in NRS 709.050 to 709.170, inclusive, "street railway" means:

(a) A system of public transportation operating over fixed rails on the surface of the ground; *or*

(b) [A monorail; or

(c) Any other] *An* overhead or underground system , *other than a monorail,* used for public transportation.

The term does not include a super speed ground transportation system as defined in NRS 705.4292.

3. As used in this section, "monorail" has the meaning ascribed to it in section 9 of this act.

Sec. 17. NRS 709.290 is hereby amended to read as follows:

709.290 1. The county commissioners, town trustees, aldermen, supervisors or other governing body directly entrusted with the management of affairs of any town or city in this state are authorized to sell to the highest responsible bidder any franchise for a street railway through and over any street or streets of such town, according to the provisions of NRS 709.310.

2. As used in NRS 709.290 to 709.360, inclusive, "street railway" means:

(a) A system of public transportation operating over fixed rails on the surface of the ground; *or*

(b) [A monorail; or

(c) Any other] *An* overhead or underground system , *other than a monorail,* used for public transportation.

The term does not include a super speed ground transportation system as defined in NRS 705.4292.

3. As used in this section, "monorail" has the meaning ascribed to it in section 9 of this act.

Sec. 18. Section 2.250 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1401, is hereby amended to read as follows:

Sec. 2.250 Powers of city council: Rail transportation. The city council may:

1. License, regulate, establish or prohibit any means of transportation which has [a fixed guide or rail] *fixed rails* in, upon, over or under any public right of way.

2. Grant a franchise to any person, firm or corporation to operate any means of transportation in, upon, over or under the public rights of way and adjacent property.

3. Declare a nuisance and require the removal of the fixed [guides or] rails of any means of transportation in, upon, over or under any public right of way.

4. Subject to NRS 704.300, condemn rights of way for any public purpose across a right of way which is owned or otherwise controlled by any company which owns or operates any means of transportation.

5. Prescribe the length of time any public right of way may be obstructed by trains or similar means of conveyance standing on that right of way.

6. Require any company which owns or operates any means of transportation to provide protection against injuries to persons or property.

7. Require railroad companies to fence their tracks and to construct cattle guards and crossings and keep them in repair.

8. Compel any company which owns or operates any means of transportation to provide a means by which the drainage from the property which is adjacent to its right of way is not to be impaired.

9. Subject to NRS 704.300, compel any company which owns or operates any means of transportation to raise or lower its fixed [guides or] rails to conform to any grade which has been or will be established by the city, so that those [guides or] rails may be crossed over or under at any place on the public right of way.

Sec. 19. Section 2.230 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1218, is hereby amended to read as follows:

Sec. 2.230 Powers of city council: Public transportation.

1. The city council may:

[1.] *(a)* License, regulate or prohibit the location, construction or installation of public transportation facilities *, except a monorail,* in any public right of way.

[2.] *(b)* Grant franchises to any person or corporation to operate public transportation facilities upon public rights of way and adjacent property.

[3.] *(c)* Declare a nuisance and require the removal of the public transportation facilities *, except a monorail,* in any public right of way.

[4.] *(d)* Condemn rights of way for any public purpose across any public transportation facility.

[5.] *(e)* Prescribe the length of time any public right of way may be obstructed by public transportation facilities operating thereon.

2. As used in this section, "monorail" means a system to transport passengers that is installed and operated on an exclusive fixed guideway. The term:

(a) Includes associated passenger stations, power propulsion systems, lots for parking motor vehicles, workshops and other land and structures.

(b) Does not include a system to transport passengers between two end points with no intermediate stops.

Sec. 20. This act becomes effective on December 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to mass transit; designating the department of transportation as the oversight agency on certain fixed guideway projects; authorizing a regional transportation commission to use certain methods of procurement for such a project and the

rolling stock therefor; specifying that certain tax proceeds may be used to pay the cost of such projects; providing for the establishment of monorails in certain counties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning mass transit. (BDR 32-1112)".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 333.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT E. PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 103 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Price moved that the Assembly do not recede from its action on Senate Bill No. 424, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Price.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Price, Mortenson and Lambert as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 424.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that the action whereby the Assembly did not concur in Senate Amendment No. 1125 to Assembly Bill No. 494 be rescinded.

Remarks by Assemblywoman Chowning.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 494.

The following Senate amendment was read:

Amendment No. 1125.

Amend section 1, page 1, by deleting lines 11 through 17 and inserting: "*punished in accordance with the provisions of NRS 205.380.*".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 494.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that the action whereby the Assembly did not concur in Senate Amendment No. 1086 to Assembly Bill No. 345 be rescinded.

Remarks by Assemblywoman Chowning.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 345.

The following Senate amendment was read:

Amendment No. 1086.

Amend section 1, page 1, by deleting lines 7 through 12 and inserting:

"*2. The annual assessment levied on railroads:*

(a) Must be equal to the costs incurred by the commission that are not offset by the fees paid pursuant to NRS 459.512.

(b) Must be not more than 1 cent per ton of cargo transported by the railroads into, out of or through this state during the immediately preceding calendar year.".

Amend section 1, page 1, line 13, by deleting "*4.*" and inserting "*3.*".

Amend section 1, page 2, line 5, by deleting "*5.*" and inserting "*4.*".

Amend section 1, page 2, line 12, by deleting "*6.*" and inserting "*5.*".

Amend section 1, page 2, line 20, by deleting "*7.*" and inserting "*6.*".

Amend the bill as a whole by renumbering sections 3 through 5 as sections 4 through 6 and adding a new section designated sec. 3, to read as follows:

"Sec. 3. Expenditure of the following sums not appropriated from the state general fund or the state highway fund is hereby authorized by the public service commission of Nevada:

1. During the fiscal year beginning July 1, 1997, and ending June 30, 1998, $145,000 for rail safety inspectors.

2. During the fiscal year beginning July 1, 1998, and ending June 30, 1999, $145,000 for rail safety inspectors.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "relating to railroad safety; authorizing certain expenditures by the commission for rail safety inspectors; imposing certain reporting".

Amend the summary of the bill to read as follows: "Summary—Requires certain railroads to pay certain expenses for activities of the public service commission of Nevada relating to railroad safety. (BDR 58-1228)".

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

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Senate Bill No. 103.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 103:

YEAS — 42.

NAYS — None.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess until 8:00 p.m.

Motion carried.

Assembly in recess at 7:16 p.m.

ASSEMBLY IN SESSION

At 10:02 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was re-referred Senate Bill No. 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 5, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 455, 482, 545, 552, 641.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 595.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 14 of the 68th Session.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 57, 58, 59.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 437, 494, 495, 496.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 174.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 12, 285, 318, 464.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 242.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 191 and requests a conference, and appointed Senators Augustine, O'Connell and Wiener as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 208 and requests a conference, and appointed Senators McGinness, Adler and Porter as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 137 which was returned from the Governor in accordance with the provisions of Senate Concurrent Resolution No. 63.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the vote whereby Senate Bill No. 137 was passed be rescinded.

Remarks by Assemblyman Perkins.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 137 be taken from the General File and re-referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 174.

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

Motion carried.

Senate Bill No. 437.

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

Motion carried.

Senate Bill No. 494.

Assemblyman Perkins moved that the bill be referred to the Committee on Infrastructure.

Motion carried.

Senate Bill No. 495.

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

Motion carried.

Senate Bill No. 496.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Braunlin moved that Assembly Bill No. 622 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Braunlin.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 525 be taken from the Chief Clerk's desk and placed on the Unfinished Business File.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 39 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 375 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 339, 491, 616; Senate Bills Nos. 5, 211, 253, 315, 319, 327 be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1178.

Amend sec. 9, page 5, by deleting line 7 and inserting: "*3. The executive director*".

Amend sec. 9, page 5, line 10, by deleting "*equalization.*" and inserting: "*equalization, except in those cases where the state board of equalization has original jurisdiction.*".

Amend sec. 9, page 5, by deleting lines 11 through 14.

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1179.

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

"Sec. 10. NRS 360.417 is hereby amended to read as follows:

360.417 Unless a different penalty or rate of interest is specifically provided, any person who fails to pay any tax provided for in chapter 362, 364A, 365, 369, 370, 372, 373 or 374 of NRS, or fee provided for in NRS 482.313 or 590.700 to 590.920, inclusive, to the state or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the department, in addition to the tax or fee, plus interest at the rate of [1.5] *1* percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment.".

Amend sec. 10, page 5, by deleting line 15 and inserting:

"Sec. 11. 1. This section and sections 1 to 9, inclusive, of this act become effective on July 1, 1997

2. Section 10 of this act becomes effective on July 1, 1999.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "required for certain payments; and providing other matters properly relating".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1180.

Amend sec. 4, page 2, by deleting lines 37 through 39 and inserting: "*purposes of judicial review. The executive*".

Amend sec. 4, page 2, between lines 41 and 42 by adding:

"*5. The Nevada tax commission shall provide by regulation for:*

(a) Notice to each county of any decision upon an appeal to the commission that the commission determines is likely to affect the revenue of the county or other local government. The regulations must specify the form and contents of the notice and requirements for the number of days before a meeting of the commission that the notice must be transmitted to the county or counties. Upon receipt of such a notice the county shall transmit a copy of the notice to each local government within the county which it determines is likely to be affected by the decision.

(b) The manner in which a county or other local government which is not a party to such an appeal may become a party, and the procedure for its participation in the appeal.

6. A county or other local government which is a party and is aggrieved by the decision of the Nevada tax commission is entitled to seek judicial review of the decision.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 339.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Von Tobel, Cegavske, Goldwater, Anderson and Segerblom.

Conflicts of interest declared by Assemblymen Anderson, Bache, Giunchigliani, Segerblom and Von Tobel.

Roll call on Assembly Bill No. 339:

YEAS — 32.

NAYS — Carpenter, Cegavske, Gustavson, Hettrick, Marvel — 5.

Not voting — Anderson, Bache, Giunchigliani, Segerblom, Von Tobel — 5.

Assembly Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Assemblywoman Giunchigliani moved that Assembly Bill No. 491 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 616.

Bill read third time.

Remarks by Assemblymen Hettrick and Ernaut.

Roll call on Assembly Bill No. 616:

YEAS — 42.

NAYS — None.

Assembly Bill No. 616 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 622.

Bill read third time.

The following amendment was proposed by Assemblywoman Braunlin:

Amendment No. 1243.

Amend sec. 2, page 3, line 1, by deleting "*assembly, at*" and inserting "*assembly*".

Amend sec. 2, page 3, by deleting line 2 and inserting: "*who served as members of the assembly standing committee*".

Amend sec. 2, page 3, line 9, by deleting: "*senate, at least*" and inserting "*senate*".

Amend sec. 2, page 3, by deleting line 10 and inserting: "*who served as members of the senate standing committee on*".

Amend sec. 2, page 3, line 24, by deleting: "*chairman of the*".

Amend sec. 3, page 3, by deleting lines 42 and 43 and inserting: "*from the assessments collected pursuant to NRS 704.033.*".

Amend sec. 4, page 5, line 1, by deleting "*energy*" and inserting "*utilities*".

Amend sec. 5, page 6, by deleting lines 31 and 32 and inserting: "*than December 31, 1999, upon which customers may begin obtaining potentially competitive services and a date not later than October 1, 2001, upon which potentially competitive services shall be deemed to be competitive unless:*".

Amend sec. 5, page 7, line 24, after "*established* " by inserting "*or modified* ".

Amend sec. 7, page 8, lines 21 and 22, by deleting: "*upon the completion of a*" and inserting "*to*".

Amend sec. 7, page 8, line 25, by deleting "*June*" and inserting "*October*".

Amend sec. 7, page 8, line 34, by deleting "*and support*".

Amend sec. 7, page 8, by deleting lines 43 and 44 and inserting: "*goals and objectives.*".

Amend the bill as a whole by deleting sec. 8 and inserting:

"Sec. 8. (Deleted by amendment.)".

Assemblywoman Braunlin moved the adoption of the amendment.

Remarks by Assemblymen Braunlin and Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 5.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1234.

Amend the bill as a whole by deleting sections 1 through 13 and the text of the repealed section and adding new sections designated sections 1 through 24 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. NRS 201.195 is hereby amended to read as follows:

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

(a) If the minor actually engaged in such acts as a result, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

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

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

(2) For any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. [A person convicted of violating any of the provisions of subsection 1 may not be paroled unless a board consisting of:

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources or his designee;

(b) The director of the department of prisons or his designee; and

(c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others.

3. A person who has been certified pursuant to subsection 2 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 2.

4. The board may revoke the certification of an offender certified pursuant to subsection 2 at any time.

5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.

6. A person convicted of violating any of the provisions of subsection 1 must not be released on probation unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

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

Sec. 2. NRS 201.210 is hereby amended to read as follows:

201.210 1. A person who commits any act of open or gross lewdness is guilty:

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

(b) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

2. [A person convicted of violating the provisions of subsection 1 must not be paroled unless a board consisting of:

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(b) The director of the department of prisons; and

(c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this subsection, the administrator and the director may each designate a person to represent him on the board.

3. A person who has been certified pursuant to subsection 2 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 2.

4. The board may revoke the certification of an offender certified pursuant to subsection 2 at any time.

5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.

6. A person convicted of violating any of the provisions of subsection 1 must not be released on probation unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

7.] For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

Sec. 3. NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty:

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

(b) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

2. [A person convicted of violating any of the provisions of subsection 1 must not be paroled unless a board consisting of:

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(b) The director of the department of prisons; and

(c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this subsection, the administrator and the director may each designate a person to represent him on the board.

3. A person who has been certified pursuant to subsection 2 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 2.

4. The board may revoke the certification of an offender certified pursuant to subsection 2 at any time.

5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.

6. A person convicted of violating any of the provisions of subsection 1 must not be released on probation unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

7.] For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

Sec. 4. NRS 201.230 is hereby amended to read as follows:

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

passions or sexual desires of that person or of that child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

[2. A person convicted of violating any of the provisions of subsection 1 must not be paroled unless a board consisting of:

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(b) The director of the department of prisons; and

(c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this subsection, the administrator and the director may each designate a person to represent him on the board.

3. A person who has been certified pursuant to subsection 2 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 2.

4. The board may revoke the certification of an offender certified pursuant to subsection 2 at any time.

5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.

6. A person convicted of violating any of the provisions of subsection 1 must not be released on probation unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.]

Sec. 5. NRS 201.450 is hereby amended to read as follows:

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

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

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

(c) By a fine of not more than $20,000; or

(d) By both fine and imprisonment.

2. [A person convicted of a violation of subsection 1 must not be granted probation or parole unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person is not a menace to the health, safety or morals of others.

3. A person who has been certified pursuant to subsection 2 for the purpose of being granted parole who returns for any reason to the custody of the department of prisons may not be paroled unless a psychologist or psychiatrist recertifies him in the manner set forth in subsection 2.

4. The psychologist or psychiatrist who certified an offender pursuant to subsection 2 may revoke the certification of the offender at any time.

5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.

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

Sec. 6. NRS 207.180 is hereby amended to read as follows:

207.180 1. Any person who knowingly sends or delivers any letter or writing:

(a) Threatening to accuse another of a crime or misdemeanor, or to expose or publish any of his infirmities or failings, with intent to extort money, goods, chattels or other valuable thing; or

(b) Threatening to maim, wound, kill or murder, or to burn or destroy his house or other property, or to accuse another of a crime or misdemeanor, or expose or publish any of his infirmities, though no money, goods, chattels or other valuable thing be demanded, is guilty of a misdemeanor.

2. Any person who:

(a) Writes and sends, or writes and delivers, either through the mail, express, by private parties or otherwise, any anonymous letter, or any letter bearing a fictitious name, charging any person with crime; or

(b) Writes and sends any anonymous letter or letters bearing a fictitious name, containing vulgar or threatening language, obscene pictures, or containing reflections upon his standing in society or in the community,

is guilty of a misdemeanor.

[3. No person convicted of violating the provisions of subsection 1 or 2 may be released on probation unless a psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada certifies

that the person so convicted is not a menace to the health, safety or morals of others.]

Sec. 7. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless a psychologist licensed to practice in this state or a psychiatrist licensed to practice medicine in this state certifies that the person is not a menace to the health, safety or morals of others.

2. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

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

(h) Open or gross lewdness pursuant to NRS 201.210.

(i) Indecent or obscene exposure pursuant to NRS 201.220.

(j) Lewdness with a child pursuant to NRS 201.230.

(k) Sexual penetration of a dead human body pursuant to NRS 201.450.

(l) A violation of NRS 207.180.

(m) An attempt to commit an offense listed in paragraphs (b) to (l), inclusive.

(n) Coercion or attempted coercion that is determined to be sexually motivated pursuant to section 92 of Senate Bill No. 325 of this session.

Sec. 8. NRS 176.175 is hereby amended to read as follows:

176.175 As used in NRS 176.175 to 176.245, inclusive, [and] section 83 of [this act,] *Senate Bill No. 325 of this session and section 7 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.
2. "Court" means a district court of the State of Nevada.

3. "Parole and probation officer" means the chief parole and probation officer or an assistant parole and probation officer appointed in accordance with the provisions of chapter 213 of NRS.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the sentencing court.

5. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or chief parole and probation officer.

6. "Surety bond" means a written undertaking, executed by a surety, that a person will, as a result of the bond, participate in a program of probation and that in the event that the person violates a condition of the program of probation, the surety will pay the court the amount of money specified for the bond.

Sec. 9. NRS 176.185 is hereby amended to read as follows:

176.185 1. Except as otherwise provided in this section [, whenever] *and section 7 of this act, if* a person is found guilty in a district court of a crime upon verdict or plea, except in cases of murder of the first or second degree, kidnaping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or [where] *if* the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court:

(a) If the person is found guilty of a category E felony, shall suspend the execution of the sentence imposed and grant probation to the person pursuant to NRS 193.130; or

(b) If the person is found guilty of any other felony, a gross misdemeanor or a misdemeanor, may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to place a person on probation, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176.1851 to 176.18525, inclusive.

3. [The court may grant probation to a person convicted of indecent or obscene exposure or of lewdness only if a certificate of a psychologist or psychiatrist, as required by NRS 201.210, 201.220 or 201.230, is received by the court.] The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

4. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term

of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

5. The court shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the court receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 45 days following a request for a probation investigation from the county clerk, but if a report is not submitted by the chief parole and probation officer within 45 days the district judge may grant probation without the written report.

6. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 10. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

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

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources or his designee;

(b) The director of the department of prisons or his designee; and

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

certifies that the prisoner was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others.

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

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

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

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

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

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

(h) Open or gross lewdness pursuant to NRS 201.210.

(i) Indecent or obscene exposure pursuant to NRS 201.220.

(j) Lewdness with a child pursuant to NRS 201.230.

(k) Sexual penetration of a dead human body pursuant to NRS 201.450.

(l) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive.

(m) Coercion or attempted coercion that is determined to be sexually motivated pursuant to section 92 of Senate Bill No. 325 of this session.

Sec. 11. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, section 2 of Senate Bill No. 17 of this session , [and] section 94 of [this act] *Senate Bill No. 325 of this session and section 10 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

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

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 12. NRS 213.1099 is hereby amended to read as follows:

213.1099 1. Except as otherwise provided in this section , *section 10 of this act* and NRS 213.1215, the board may release on parole a prisoner who

is otherwise eligible for parole pursuant to NRS 213.107 to 213.157, inclusive.

2. In determining whether to release a prisoner on parole, the board shall consider:

(a) Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;

(b) Whether the release is incompatible with the welfare of society;

(c) The seriousness of the offense and the history of criminal conduct of the prisoner;

(d) The standards adopted pursuant to NRS 213.10885 and the recommendation, if any, of the chief; and

(e) Any documents or testimony submitted by a victim notified pursuant to NRS 213.130.

3. When a person is convicted of a felony and is punished by a sentence of imprisonment, he remains subject to the jurisdiction of the board from the time he is released on parole under the provisions of this chapter until the expiration of the maximum term of imprisonment imposed by the court less any credits earned to reduce his sentence pursuant to chapter 209 of NRS.

4. Except as otherwise provided in NRS 213.1215, the board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless it finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order to be detained to answer for a crime or violation of parole or probation in another jurisdiction, and that he does not have a history of:

(a) Recent misconduct in the institution, and that he has been recommended for parole by the director of the department of prisons;

(b) Repetitive criminal conduct;

(c) Criminal conduct related to the use of alcohol or drugs;

(d) Repetitive sexual deviance, violence or aggression; or

(e) Failure in parole, probation, work release or similar programs.

5. In determining whether to release a prisoner on parole pursuant to this section, the board shall not consider whether the prisoner will soon be eligible for release pursuant to NRS 213.1215.

6. The board shall not release on parole an offender convicted of an offense listed in section 63 of [this act] *Senate Bill No. 325 of this session* until the law enforcement agency in whose jurisdiction the offender will be released on parole has been provided an opportunity to give the notice required by the attorney general pursuant to sections 61 to 76, inclusive, of [this act.] *Senate Bill No. 325 of this session.*

Sec. 13. Section 13 of Senate Bill No. 133 of this session is hereby amended to read as follows:

Sec. 13. NRS 176.185 is hereby amended to read as follows:

176.185 1. Except as otherwise provided in this section and section 7 of [this act,] *Senate Bill No. 5 of this session,* if a person is found guilty in a district court [of a crime] upon verdict or plea [, except in cases of murder] *of:*

(a) Murder of the first or second degree, kidnaping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court [:

(a) If the person is found guilty of a] *shall not suspend the execution of the sentence imposed or grant probation to the person.*

(b) A category E felony, *except as otherwise provided in this paragraph, the court* shall suspend the execution of the sentence imposed and grant probation to the person . [pursuant to NRS 193.130; or

(b) If the person is found guilty of any other] *The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time the crime was committed, the person:*

(1) Was serving a term of probation, whether in this state or elsewhere, for a felony conviction;

(2) Had previously had his probation revoked, whether in this state or elsewhere, for a felony conviction; or

(3) Had previously been two times convicted, whether in this state or elsewhere, of a crime that under the laws of the situs of the crime or of this state would amount to a felony.

If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this subparagraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, *the court* may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to place a person on probation, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176.1851 to 176.18525, inclusive.

3. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

4. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

5. The court shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the court receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 45 days following a request for a probation investigation from the county clerk, but if a report is not submitted by the chief parole and probation officer within 45 days the district judge may grant probation without the written report.

6. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 14. Section 92 of Senate Bill No. 325 of this session is hereby amended to read as follows:

Sec. 92. Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, if a person is convicted of coercion or attempted coercion in violation of paragraph (a) of subsection 2 of NRS 207.190, the court shall, at the request of the prosecuting attorney, conduct a separate hearing to determine whether the offense was sexually motivated. A request for such a hearing may not be submitted to the court unless the prosecuting attorney, *not less than 72 hours* before the commencement of the trial, files and serves upon the defendant a written notice of his intention to request such a hearing.

2. A hearing requested pursuant to subsection 1 must be conducted before:

(a) The court imposes its sentence; or

(b) A separate penalty hearing is conducted.

3. At the hearing, only evidence concerning the question of whether the offense was sexually motivated may be presented. The prosecuting attorney must prove beyond a reasonable doubt that the offense was sexually motivated.

4. A person may stipulate that his offense was sexually motivated before a hearing held pursuant to subsection 1 or as part of an agreement to plead nolo contendere, guilty or guilty but mentally ill.

5. The court shall enter in the record:

(a) Its finding from a hearing held pursuant to subsection 1; or

(b) A stipulation made pursuant to subsection 4.

6. For the purposes of this section, an offense is "sexually motivated" if one of the purposes for which the person committed the offense was his sexual gratification.

Sec. 15. Section 95 of Senate Bill No. 325 of this session is hereby amended to read as follows:

Sec. 95. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, [and] section 2 of [this act,] *Senate Bill No. 17 of this session and section 94 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.
2. "Chief" means the chief parole and probation officer.
3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.
5. "Sex offender" means any person who has been or is convicted of a sexual offense.
6. "Sexual offense" means:

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

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 16. Section 104 of Senate Bill No. 325 of this session is hereby amended to read as follows:

Sec. 104. 1. Except as otherwise provided in subsection 2, this act becomes effective on July 1, 1997.

2. [Section 91.3] *Sections 91.3 and 95* of this act [becomes] *become* effective at 12:01 a.m. on July 1, 1997.

Sec. 17. Section 9 of Senate Bill No. 402 of this session is hereby amended to read as follows:

Sec. 9. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, section 2 of Senate Bill No. 17 of this session, section 94 of Senate Bill No. 325 of this session , [and] section 10 of [this act,] *Senate Bill No. 5 of this session and section 8 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

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

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 18. Section 2 of Assembly Bill No. 240 of this session is hereby amended to read as follows:

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, section 2 of Senate Bill No. 17 of this session, section 94 of Senate Bill No. 325 of this session, section 10 of Senate Bill No. 5 of this session , [and] section 8 of [this act,] *Senate Bill No. 402 of this session and section 1 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

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

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 19. Assembly Bill No. 240 of this session is hereby amended by adding a new section designated sec. 6, following sec. 5, to read as follows:

Sec. 6. Section 2 of this act becomes effective at 12:02 a.m. on October 1, 1997.

Sec. 20. 1. There is hereby appropriated from the state general fund to the mental hygiene and mental retardation division of the department of human resources for carrying out the provisions of this act:

For the fiscal year 1997-1998 ..... $48,891

For the fiscal year 1998-1999 ..... $57,383

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 21. 1. There is hereby appropriated from the state general fund to the department of prisons for carrying out the provisions of this act:

For the fiscal year 1997-1998 ..... $7,722

For the fiscal year 1998-1999 ..... $4,929

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 22. NRS 200.375 is hereby repealed.

Sec. 23. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 24. 1. Except as otherwise provided in this section, this act becomes effective on October 1, 1997.

2. This subsection and sections 20 and 21 of this act become effective on July 1, 1997.

TEXT OF REPEALED SECTION

200.375 Limitations on parole.

1. A person convicted of sexual assault or attempted sexual assault may not be paroled unless a board consisting of:

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(b) The director of the department of prisons; and

(c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others.

2. A person who has been certified pursuant to subsection 1 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 1.

3. The board may revoke the certification of an offender certified pursuant to this section at any time.

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

5. For the purposes of this section, the administrator and the director may each designate a person to represent him on the board.".

Amend the title of the bill, fourth line, after "probation;" by inserting "making appropriations;".

Amend the summary of the bill, second line, by deleting the period and inserting: "and makes appropriations to carry out provisions of this act.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Assemblyman Arberry moved that Senate Bill No. 5 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Senate Bill No. 39.

Bill read third time.

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

Amendment No. 1246.

Amend sec. 5, page 3, by deleting lines 37 through 44 and inserting:

"*8. A police officer, school police officer, constable or deputy of a constable may appeal a recommendation made by a panel of the review board. The ordinance pursuant to which the review board is created must specify the manner for conducting appeals, and may include, without limitation, mediation, conciliation or review by another panel of randomly selected members of the review board. If the appeal is heard by another panel of the review board, the determination made by the panel hearing the appeal is final and binding and is not subject to judicial review.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 211.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 211:

YEAS — 42.

NAYS — None.

Senate Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 253.

Bill read third time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1240.

Amend sec. 5, page 4, between lines 3 and 4 by inserting:

"*(b) Contract with one or more consultants to obtain technical advice concerning the study conducted pursuant to section 5.5 of this act.*".

Amend sec. 5, page 4, line 4, by deleting "*(b)*" and inserting "*(c)*".

Amend sec. 5, page 4, line 7, by deleting "*(c)*" and inserting "*(d)*".

Amend sec. 5, page 4, line 9, by deleting "*(d)*" and inserting "*(e)*".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. *1. The committee shall appoint a subcommittee to conduct a study of the cost to the counties and incorporated cities in this state of maintaining highways, roads and streets and the practices of the counties and incorporated cities in maintaining those highways, roads and streets.*

2. The subcommittee shall:

(a) Identify the practices and procedures used to maintain the highways, roads and streets in this state or in any other state;

(b) Develop a data base for a uniform system of maintenance of highways, roads and streets by counties and incorporated cities;

(c) Identify procedures for developing that data base;

(d) Develop computer software for use in support of those procedures;

(e) Prepare a manual that sets forth those procedures; and

(f) Determine the average cost per mile of the highways, roads and streets maintained by the counties and incorporated cities in this state.

3. As soon as practicable after July 1, 1997, the director of the legislative counsel bureau shall determine the cost of the study and notify the executive director of the department of taxation of the cost of the study. The cost of the study must not exceed $250,000.

4. Upon receipt of the notice required pursuant to subsection 3, the executive director shall prorate the cost of the study for each month of the 1997-98 fiscal year among each of the counties and cities in the proportion that the amount allocated to a county or city each month pursuant to NRS 365.550 bears to the total amount allocated to all the counties and cities for that month. After determining each month the prorated cost for each county and city, the executive director shall:

(a) Withhold the prorated amount from the amount allocated to the county or city for that month pursuant to NRS 365.550; and

(b) Notify the state controller, in writing, of the amount withheld.

5. Upon receipt of the notice required pursuant to subsection 4, the state controller shall transfer the amount specified in the notice to the legislative fund.

6. The money transferred to the legislative fund pursuant to subsection 5 is hereby authorized for expenditure by the director of the legislative counsel bureau to pay the cost of the study conducted pursuant to this section.

7. The committee shall, not later than November 1, 1998, submit a report of the findings of the subcommittee, including any recommended legislation, to the director of the legislative counsel bureau for transmittal to the 70th session of the Nevada legislature.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Perkins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 315.

Bill read third time.

Remarks by Assemblywoman Von Tobel.

Roll call on Senate Bill No. 315:

YEAS — 42.

NAYS — None.

Senate Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 319 be re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 327.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 327:

YEAS — 42.

NAYS — None.

Senate Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 5.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1234.

Amend the bill as a whole by deleting sections 1 through 13 and the text of the repealed section and adding new sections designated sections 1 through 24 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. NRS 201.195 is hereby amended to read as follows:

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

(a) If the minor actually engaged in such acts as a result, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

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

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

(2) For any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. [A person convicted of violating any of the provisions of subsection 1 may not be paroled unless a board consisting of:

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources or his designee;

(b) The director of the department of prisons or his designee; and

(c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others.

3. A person who has been certified pursuant to subsection 2 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 2.

4. The board may revoke the certification of an offender certified pursuant to subsection 2 at any time.

5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.

6. A person convicted of violating any of the provisions of subsection 1 must not be released on probation unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

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

Sec. 2. NRS 201.210 is hereby amended to read as follows:

201.210 1. A person who commits any act of open or gross lewdness is guilty:

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

(b) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

2. [A person convicted of violating the provisions of subsection 1 must not be paroled unless a board consisting of:

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(b) The director of the department of prisons; and

(c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this subsection, the administrator and the director may each designate a person to represent him on the board.

3. A person who has been certified pursuant to subsection 2 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 2.

4. The board may revoke the certification of an offender certified pursuant to subsection 2 at any time.

5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.

6. A person convicted of violating any of the provisions of subsection 1 must not be released on probation unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

7.] For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

Sec. 3. NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty:

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

(b) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

2. [A person convicted of violating any of the provisions of subsection 1 must not be paroled unless a board consisting of:

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(b) The director of the department of prisons; and

(c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this subsection, the administrator and the director may each designate a person to represent him on the board.

3. A person who has been certified pursuant to subsection 2 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 2.

4. The board may revoke the certification of an offender certified pursuant to subsection 2 at any time.

5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.

6. A person convicted of violating any of the provisions of subsection 1 must not be released on probation unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

7.] For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

Sec. 4. NRS 201.230 is hereby amended to read as follows:

201.230 [1.] A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

[2. A person convicted of violating any of the provisions of subsection 1 must not be paroled unless a board consisting of:

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(b) The director of the department of prisons; and

(c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this subsection, the administrator and the director may each designate a person to represent him on the board.

3. A person who has been certified pursuant to subsection 2 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 2.

4. The board may revoke the certification of an offender certified pursuant to subsection 2 at any time.

5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.

6. A person convicted of violating any of the provisions of subsection 1 must not be released on probation unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the

State of Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.]

Sec. 5. NRS 201.450 is hereby amended to read as follows:

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

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

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

(c) By a fine of not more than $20,000; or

(d) By both fine and imprisonment.

2. [A person convicted of a violation of subsection 1 must not be granted probation or parole unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person is not a menace to the health, safety or morals of others.

3. A person who has been certified pursuant to subsection 2 for the purpose of being granted parole who returns for any reason to the custody of the department of prisons may not be paroled unless a psychologist or psychiatrist recertifies him in the manner set forth in subsection 2.

4. The psychologist or psychiatrist who certified an offender pursuant to subsection 2 may revoke the certification of the offender at any time.

5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.

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

Sec. 6. NRS 207.180 is hereby amended to read as follows:

207.180 1. Any person who knowingly sends or delivers any letter or writing:

(a) Threatening to accuse another of a crime or misdemeanor, or to expose or publish any of his infirmities or failings, with intent to extort money, goods, chattels or other valuable thing; or

(b) Threatening to maim, wound, kill or murder, or to burn or destroy his house or other property, or to accuse another of a crime or misdemeanor, or

expose or publish any of his infirmities, though no money, goods, chattels or other valuable thing be demanded,

is guilty of a misdemeanor.

2. Any person who:

(a) Writes and sends, or writes and delivers, either through the mail, express, by private parties or otherwise, any anonymous letter, or any letter bearing a fictitious name, charging any person with crime; or

(b) Writes and sends any anonymous letter or letters bearing a fictitious name, containing vulgar or threatening language, obscene pictures, or containing reflections upon his standing in society or in the community,

is guilty of a misdemeanor.

[3. No person convicted of violating the provisions of subsection 1 or 2 may be released on probation unless a psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.]

Sec. 7. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless a psychologist licensed to practice in this state or a psychiatrist licensed to practice medicine in this state certifies that the person is not a menace to the health, safety or morals of others.

2. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

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

(h) Open or gross lewdness pursuant to NRS 201.210.

(i) Indecent or obscene exposure pursuant to NRS 201.220.

(j) Lewdness with a child pursuant to NRS 201.230.

(k) Sexual penetration of a dead human body pursuant to NRS 201.450.

(l) A violation of NRS 207.180.

(m) An attempt to commit an offense listed in paragraphs (b) to (l), inclusive.

(n) Coercion or attempted coercion that is determined to be sexually motivated pursuant to section 92 of Senate Bill No. 325 of this session.

Sec. 8. NRS 176.175 is hereby amended to read as follows:

176.175 As used in NRS 176.175 to 176.245, inclusive, [and] section 83 of [this act,] *Senate Bill No. 325 of this session and section 7 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.
2. "Court" means a district court of the State of Nevada.
3. "Parole and probation officer" means the chief parole and probation officer or an assistant parole and probation officer appointed in accordance with the provisions of chapter 213 of NRS.
4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the sentencing court.
5. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or chief parole and probation officer.
6. "Surety bond" means a written undertaking, executed by a surety, that a person will, as a result of the bond, participate in a program of probation and that in the event that the person violates a condition of the program of probation, the surety will pay the court the amount of money specified for the bond.

Sec. 9. NRS 176.185 is hereby amended to read as follows:

176.185 1. Except as otherwise provided in this section [, whenever] *and section 7 of this act, if* a person is found guilty in a district court of a crime upon verdict or plea, except in cases of murder of the first or second degree, kidnaping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or [where] *if* the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court:

(a) If the person is found guilty of a category E felony, shall suspend the execution of the sentence imposed and grant probation to the person pursuant to NRS 193.130; or

(b) If the person is found guilty of any other felony, a gross misdemeanor or a misdemeanor, may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to place a person on probation, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176.1851 to 176.18525, inclusive.

3. [The court may grant probation to a person convicted of indecent or obscene exposure or of lewdness only if a certificate of a psychologist or psychiatrist, as required by NRS 201.210, 201.220 or 201.230, is received by the court.] The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

4. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

5. The court shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the court receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 45 days following a request for a probation investigation from the county clerk, but if a report is not submitted by the chief parole and probation officer within 45 days the district judge may grant probation without the written report.

6. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 10. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

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

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources or his designee;

(b) The director of the department of prisons or his designee; and

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

certifies that the prisoner was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others.

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

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

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

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

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

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

(h) Open or gross lewdness pursuant to NRS 201.210.

(i) Indecent or obscene exposure pursuant to NRS 201.220.

(j) Lewdness with a child pursuant to NRS 201.230.

(k) Sexual penetration of a dead human body pursuant to NRS 201.450.

(l) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive.

(m) Coercion or attempted coercion that is determined to be sexually motivated pursuant to section 92 of Senate Bill No. 325 of this session.

Sec. 11. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, section 2 of Senate Bill No. 17 of this session , [and] section 94 of [this act] *Senate Bill No. 325 of this session and section 10 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph

(a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 12. NRS 213.1099 is hereby amended to read as follows:

213.1099 1. Except as otherwise provided in this section, *section 10 of this act* and NRS 213.1215, the board may release on parole a prisoner who is otherwise eligible for parole pursuant to NRS 213.107 to 213.157, inclusive.

2. In determining whether to release a prisoner on parole, the board shall consider:

(a) Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;

(b) Whether the release is incompatible with the welfare of society;

(c) The seriousness of the offense and the history of criminal conduct of the prisoner;

(d) The standards adopted pursuant to NRS 213.10885 and the recommendation, if any, of the chief; and

(e) Any documents or testimony submitted by a victim notified pursuant to NRS 213.130.

3. When a person is convicted of a felony and is punished by a sentence of imprisonment, he remains subject to the jurisdiction of the board from the time he is released on parole under the provisions of this chapter until the expiration of the maximum term of imprisonment imposed by the court less any credits earned to reduce his sentence pursuant to chapter 209 of NRS.

4. Except as otherwise provided in NRS 213.1215, the board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless it finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order to be detained to answer for a crime or violation of parole or probation in another jurisdiction, and that he does not have a history of:

(a) Recent misconduct in the institution, and that he has been recommended for parole by the director of the department of prisons;

(b) Repetitive criminal conduct;

(c) Criminal conduct related to the use of alcohol or drugs;

(d) Repetitive sexual deviance, violence or aggression; or

(e) Failure in parole, probation, work release or similar programs.

5. In determining whether to release a prisoner on parole pursuant to this section, the board shall not consider whether the prisoner will soon be eligible for release pursuant to NRS 213.1215.

6. The board shall not release on parole an offender convicted of an offense listed in section 63 of [this act] *Senate Bill No. 325 of this session* until the law enforcement agency in whose jurisdiction the offender will be released on parole has been provided an opportunity to give the notice required by the attorney general pursuant to sections 61 to 76, inclusive, of [this act.] *Senate Bill No. 325 of this session.*

Sec. 13. Section 13 of Senate Bill No. 133 of this session is hereby amended to read as follows:

Sec. 13. NRS 176.185 is hereby amended to read as follows:

176.185 1. Except as otherwise provided in this section and section 7 of [this act,] *Senate Bill No. 5 of this session,* if a person is found guilty in a district court [of a crime] upon verdict or plea [, except in cases of murder] *of:*

(a) Murder of the first or second degree, kidnaping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court [:

(a) If the person is found guilty of a] *shall not suspend the execution of the sentence imposed or grant probation to the person.*

(b) A category E felony, *except as otherwise provided in this paragraph, the court* shall suspend the execution of the sentence imposed and grant probation to the person . [pursuant to NRS 193.130; or

(b) If the person is found guilty of any other] *The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time the crime was committed, the person:*

(1) Was serving a term of probation, whether in this state or elsewhere, for a felony conviction;

(2) Had previously had his probation revoked, whether in this state or elsewhere, for a felony conviction; or

(3) Had previously been two times convicted, whether in this state or elsewhere, of a crime that under the laws of the situs of the crime or of this state would amount to a felony.

If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction.

For the purposes of this subparagraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, *the court* may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to place a person on probation, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176.1851 to 176.18525, inclusive.

3. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

4. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

5. The court shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the court receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 45 days following a request for a probation investigation from the county clerk, but if a report is not submitted by the chief parole and probation officer within 45 days the district judge may grant probation without the written report.

6. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 14. Section 92 of Senate Bill No. 325 of this session is hereby amended to read as follows:

Sec. 92. Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, if a person is convicted of coercion or attempted coercion in violation of paragraph (a) of subsection 2 of NRS 207.190, the court shall, at the request of the prosecuting attorney, conduct a separate hearing to determine whether the offense was sexually motivated. A request for such a hearing may not be submitted to the court unless the prosecuting attorney, *not less than 72 hours* before the commencement of the trial, files and serves upon the defendant a written notice of his intention to request such a hearing.

2. A hearing requested pursuant to subsection 1 must be conducted before:

(a) The court imposes its sentence; or

(b) A separate penalty hearing is conducted.

3. At the hearing, only evidence concerning the question of whether the offense was sexually motivated may be presented. The prosecuting attorney must prove beyond a reasonable doubt that the offense was sexually motivated.

4. A person may stipulate that his offense was sexually motivated before a hearing held pursuant to subsection 1 or as part of an agreement to plead nolo contendere, guilty or guilty but mentally ill.

5. The court shall enter in the record:

(a) Its finding from a hearing held pursuant to subsection 1; or

(b) A stipulation made pursuant to subsection 4.

6. For the purposes of this section, an offense is "sexually motivated" if one of the purposes for which the person committed the offense was his sexual gratification.

Sec. 15. Section 95 of Senate Bill No. 325 of this session is hereby amended to read as follows:

Sec. 95. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, [and] section 2 of [this act,] *Senate Bill No. 17 of this session and section 94 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

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

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 16. Section 104 of Senate Bill No. 325 of this session is hereby amended to read as follows:

Sec. 104. 1. Except as otherwise provided in subsection 2, this act becomes effective on July 1, 1997.

2. [Section 91.3] *Sections 91.3 and 95* of this act [becomes] *become* effective at 12:01 a.m. on July 1, 1997.

Sec. 17. Section 9 of Senate Bill No. 402 of this session is hereby amended to read as follows:

Sec. 9. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, section 2 of Senate Bill No. 17 of this session, section 94 of Senate Bill No. 325 of this session , [and] section 10 of [this act,] *Senate Bill No. 5 of this session and section 8 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

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

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 18. Section 2 of Assembly Bill No. 240 of this session is hereby amended to read as follows:

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, section 2 of Senate Bill No. 17 of this session, section 94 of Senate Bill No. 325 of this session, section 10 of Senate Bill No. 5 of this session , [and] section 8 of [this act,] *Senate Bill No. 402 of this session and section 1 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

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

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 19. Assembly Bill No. 240 of this session is hereby amended by adding a new section designated sec. 6, following sec. 5, to read as follows:

Sec. 6. Section 2 of this act becomes effective at 12:02 a.m. on October 1, 1997.

Sec. 20. 1. There is hereby appropriated from the state general fund to the mental hygiene and mental retardation division of the department of human resources for carrying out the provisions of this act:

For the fiscal year 1997-1998 ..... $48,891

For the fiscal year 1998-1999 ..... $57,383

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 21. 1. There is hereby appropriated from the state general fund to the department of prisons for carrying out the provisions of this act:

For the fiscal year 1997-1998 ..... $7,722

For the fiscal year 1998-1999 ..... $4,929

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 22. NRS 200.375 is hereby repealed.

Sec. 23. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 24. 1. Except as otherwise provided in this section, this act becomes effective on October 1, 1997.

2. This subsection and sections 20 and 21 of this act become effective on July 1, 1997.

TEXT OF REPEALED SECTION

200.375 Limitations on parole.

1. A person convicted of sexual assault or attempted sexual assault may not be paroled unless a board consisting of:

(a) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(b) The director of the department of prisons; and

(c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others.

2. A person who has been certified pursuant to subsection 1 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 1.

3. The board may revoke the certification of an offender certified pursuant to this section at any time.

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

5. For the purposes of this section, the administrator and the director may each designate a person to represent him on the board.".

Amend the title of the bill, fourth line, after "probation;" by inserting "making appropriations;".

Amend the summary of the bill, second line, by deleting the period and inserting: "and makes appropriations to carry out provisions of this act.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 5, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 187, 457.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 314.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rawson, Townsend and Neal as a first Committee on Conference concerning Senate Bill No. 356.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rawson, O'Donnell and Mathews as a first Committee on Conference concerning Senate Bill No. 489.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 111 be placed on the General File.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 86 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 111.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Assembly Bill No. 111:

YEAS — 42.

NAYS — None.

Assembly Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 86.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 86:

YEAS — 41.

NAYS — None.

Not voting — Carpenter.

Senate Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 525.

The following Senate amendment was read:

Amendment No. 1135.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 1.9, following the enacting clause, to read as follows:

"Section 1. NRS 365.185 is hereby amended to read as follows:

365.185 1. In addition to any other tax provided for in this chapter, there [shall] *must* be levied an excise tax on gasoline.

2. This tax [shall] *must* be imposed and [shall increase up to a total of 4 cents per gallon,] *will increase* if the tax collected by the Federal Government pursuant to the provisions of 26 U.S.C. § 4081 [, is diminished] *or any other tax collected by the Federal Government relating to gasoline is reduced* or discontinued in whole or in part. The amount of the tax so imposed by this state [shall] *must* be equal to the amount by which the federal tax is reduced.

3. This tax [shall] *must* be accounted for by each dealer and [shall be] collected in the manner provided in this chapter. The tax [shall] *must* be paid to the department and delivered by the department to the state treasurer.

Sec. 1.3. NRS 365.550 is hereby amended to read as follows:

365.550 1. The receipts of the tax [as levied in] *levied pursuant to* NRS 365.180 must be allocated monthly by the department to the counties [upon] *using* the following formula:

(a) One-fourth in proportion to total area.

(b) One-fourth in proportion to population.

(c) One-fourth in proportion to road mileage and street mileage [(] *of* nonfederal aid primary roads . [).]

(d) One-fourth in proportion to vehicle miles of travel on [roads (] nonfederal aid primary roads . [).]

2. The amount [due] *allocated* to the counties under the formula must be remitted monthly. The state controller shall draw his warrants payable to the county treasurer of each of the several counties, and the state treasurer shall pay the warrants out of the proceeds of the tax levied [in] *pursuant to* NRS 365.180.

3. Of the money received by the counties [by reason of] *pursuant to* the provisions of this section:

(a) An amount equal to that part of the allocation which represents 1.25 cents of the tax per gallon must be used exclusively for the service and redemption of revenue bonds issued pursuant to chapter 373 of NRS, for the construction, maintenance and repair of county roads, and for the purchase of

equipment for that [work,] *construction, maintenance and repair,* under the direction of the boards of county commissioners of the several counties, and must not be used to defray expenses of administration; and

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated pursuant to the following formula:

(1) If there are no incorporated cities in the county, to the county; and

(2) If there is [one or more incorporated cities] *at least one incorporated city* in the county, to the county and any incorporated cities in the county pursuant to the formula set [out] *forth* for counties in subsection 1. For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

4. The formula computations must be made as of July 1 of each year by the department, based on estimates which must be furnished by the department of transportation. The determination [so] made by the department is conclusive.

5. Each county and incorporated city shall, not later than January 1 of each year, submit a list to the department of transportation setting forth:

(a) Each road or street that is maintained by the county or city; and

(b) The beginning and ending points and the total mileage of each of those roads or streets.

Each county and incorporated city shall, at least 10 days before the list is submitted to the department of transportation, hold a public hearing to identify and determine the roads and streets maintained by the county or city.

6. As used in this section, "construction, maintenance and repair" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a county or city road and is necessary for the safe and efficient use of that road, including, without limitation:

(a) Grades and regrades;

(b) Graveling, oiling, surfacing, macadamizing and paving;

(c) Sweeping, cleaning and sanding roads and removing snow from a road;

(d) Crosswalks and sidewalks;

(e) Culverts, catch basins, drains, sewers and manholes;

(f) Inlets and outlets;

(g) Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;

(h) Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;

(i) Rights of way;

(j) Grade and traffic separators;

(k) Fences, cattle guards and other devices to control access to a county or city road;

(l) Signs and devices for the control of traffic; and

(m) Facilities for personnel and the storage of equipment used to construct, maintain or repair a county or city road.

Sec. 1.5. NRS 365.560 is hereby amended to read as follows:

365.560 1. The receipts of the tax [as levied in NRS 365.190 shall] *levied pursuant to NRS 365.190 must* be allocated monthly by the department to the counties in which the [tax] payment *of the tax* originates.

2. [Such receipts shall] *The receipts must* be apportioned between the county, towns with town boards as organized under NRS 269.016 to 269.019, inclusive, and incorporated cities within the county from the general road fund of the county in the same ratio as the assessed valuation of property within the boundaries of [such] *the* towns or incorporated cities within the county bears to the total assessed valuation of property within the county, including property within the towns or incorporated cities.

3. [All such money so] *Any money* apportioned to a county [shall] *pursuant to subsection 2 must* be expended by the county solely for [the] *:*

(a) The service and redemption of revenue bonds issued pursuant to chapter 373 of NRS [, for the] *;*

(b) The construction, maintenance and repair of the public highways of the county [and for the] *; and*

(c) The purchase of equipment for [such work, and shall] *that construction, maintenance and repair.*

The money must not be used to defray the expenses of administration.

4. [All such money so] *Any money* apportioned to towns or incorporated cities [shall] *pursuant to subsection 2 must* be expended only upon the streets, alleys and public highways of [such] *the* town or city, other than state highways, under the direction and control of the governing body of the town or city.

5. As used in this section, "construction, maintenance and repair" has the meaning ascribed to it in NRS 365.550.

Sec. 1.7. NRS 366.195 is hereby amended to read as follows:

366.195 1. In addition to any other tax provided for in this chapter, there [shall] *must* be levied an excise tax on special fuel.

2. This tax [shall] *must* be imposed and [shall increase up to a total of 4 cents per gallon,] *will increase* if the tax collected by the Federal Government, pursuant to the provisions of 26 U.S.C. § 4041 [, is diminished] *or any other tax collected by the Federal Government relating to special fuel is reduced* or discontinued in whole or in part. The amount of the tax so imposed by this state [shall] *must* be equal to the amount by which the federal tax is reduced.

Sec. 1.9. Chapter 373 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.".

Amend sec. 14, page 4, by deleting lines 37 through 39 and inserting:

"Sec. 14. *"Construction, maintenance and repair" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a public road and is necessary for the safe and efficient use of the public road, including, without limitation:*

1. Grades and regrades;

2. Graveling, oiling, surfacing, macadamizing and paving;

3. Sweeping, cleaning and sanding roads and removing snow from a public road;

4. Crosswalks and sidewalks;

5. Culverts, catch basins, drains, sewers and manholes;

6. Inlets and outlets;

7. Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;

8. Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;

9. Rights of way;

10. Grade and traffic separators;

11. Fences, cattle guards and other devices to control access to a public road;

12. Signs and devices for the control of traffic; and

13. Facilities for personnel and the storage of equipment used to construct, maintain or repair a public road.".

Amend the bill as a whole by deleting sections 15 and 16 and inserting:

"Secs. 15 and 16. (Deleted by amendment.)".

Amend the bill as a whole by deleting section 18 and inserting:

"Sec. 18. (Deleted by amendment.)".

Amend the bill as a whole by adding new sections designated sec. 27.3 and sec. 27.5, following sec. 27, to read as follows:

"Sec. 27.3. 1. The legislative commission shall appoint a subcommittee to conduct an interim study of the cost to the counties and incorporated cities in this state of maintaining highways, roads and streets and the practices of the counties and incorporated cities in maintaining those highways, roads and streets. The subcommittee may contract with one or more consultants to obtain technical advice concerning the study.

2. The subcommittee shall:

(a) Identify the practices and procedures used to maintain the highways, roads and streets in this state or in any other state;

(b) Develop a data base for a uniform system of maintenance of highways, roads and streets by counties and incorporated cities;

(c) Identify procedures for developing that data base;

(d) Develop computer software for use in support of those procedures;

(e) Prepare a manual that sets forth those procedures; and

(f) Determine the average cost per mile of the highways, roads and streets maintained by the counties and incorporated cities in this state.

3. As soon as practicable after July 1, 1997, the director of the legislative counsel bureau shall determine the cost of the study and notify the executive director of the department of taxation of the cost of the study. The cost of the study must not exceed $250,000.

4. Upon receipt of the notice required pursuant to subsection 3, the executive director shall prorate the cost of the study for each month of the 1997-98 fiscal year among each of the counties and cities in the proportion that the amount allocated to a county or city each month pursuant to NRS 365.550 bears to the total amount allocated to all the counties and cities for that month. After determining each month the prorated cost for each county and city, the executive director shall:

(a) Withhold the prorated amount from the amount allocated to the county or city for that month pursuant to NRS 365.550; and

(b) Notify the state controller, in writing, of the amount withheld.

5. Upon receipt of the notice required pursuant to subsection 4, the state controller shall transfer the amount specified in the notice to the legislative fund.

6. The money transferred to the legislative fund pursuant to subsection 5 is hereby authorized for expenditure by the director of the legislative counsel bureau to pay the cost of the study conducted pursuant to this section.

7. The legislative commission shall, not later than November 1, 1998, submit a report of the findings of the subcommittee, including any recommended legislation, to the director of the legislative counsel bureau for transmittal to the 70th session of the Nevada legislature.

Sec. 27.5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.".

Amend the title of the bill, third line, after the semicolon by inserting: "requiring each county and incorporated city to submit a list to the department of transportation setting forth each road or street maintained by the county or city; defining the term "construction, maintenance and repair" for the purposes of using the proceeds of certain taxes on motor vehicle fuel; requiring the legislative commission to conduct an interim study relating to the maintenance of highways, roads and streets by counties and cities;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to certain taxes on motor vehicle fuel and special fuel and use of certain sales and use taxes. (BDR 32-326)".

Assemblyman Price moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 525.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 595.

The following Senate amendment was read:

Amendment No. 1216.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. The amendatory provisions of this act apply to a civil action that is filed on or after the effective date of this act.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 595.

Remarks by Assemblymen Anderson and Perkins.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Committee on Conference concerning Assembly Bill No. 66, consisting of the undersigned members, has met, and reports that:

No decision was reached.

DOUGLAS BACHE	ANN O'CONNELL
JOAN LAMBERT	WILLIAM J. RAGGIO
P.M. ROY NEIGHBORS	RAYMOND C. SHAFFER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Bache moved to adopt the report of the second Committee on Conference report concerning Assembly Bill No. 66.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 366, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 16, which is attached to and hereby made a part of this report.

DOUGLAS BACHE	RANDOLPH J. TOWNSEND
PETE ERNAUT	DEAN A. RHOADS
BARBARA BUCKLEY	JOSEPH NEAL
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 16.

Amend sec. 2, page 1, line 3, by deleting "*Title,*" and inserting: "*Title relating to the provision of electric service,*".

Amend sec. 2, page 1, line 6, by deleting: "*services by utilities;*" and inserting "*electric services;*".

Amend sec. 2, page 1, by deleting line 8 and inserting: "*providers of electric service;*".

Amend sec. 2, page 1, line 11, by deleting: "*services by utilities;*" and inserting "*electric services;*".

Amend sec. 2, page 2, by deleting lines 1 and 2 and inserting:

"*5. Ensure and enhance reliability and safety in the provision of electric services;*".

Amend sec. 2, page 2, line 3, by deleting "*utilities;*" and inserting "*electric services;*".

Amend sec. 2, page 2, by deleting lines 4 and 5 and inserting:

"*7. Provide effective protection of persons who depend upon electric services.*".

Amend sec. 3, page 2, line 33, by deleting: "*legislative committee on utilities*" and inserting: "*appropriate legislative committee*".

Amend sec. 4, page 2, line 40, by deleting "[service] *utilities*" and inserting "service".

Amend sec. 4, page 2, line 42, by deleting "[2." and inserting "[2.] *3.*".

Amend sec. 4, page 2, line 43, by deleting the closed bracket.

Amend sec. 10, page 4, by deleting lines 3 through 13 and inserting: "*commission must be open to the public.*".

Amend sec. 15, page 5, line 43, by deleting "utility, [fully" and inserting: "utility [, fully".

Amend sec. 15, page 5, line 44, by deleting: "*and alternative seller*".

Amend sec. 20, page 8, line 34, by deleting "utilities [," and inserting "utilities,".

Amend sec. 20, page 8, line 35, by deleting "brokers]" and inserting "brokers ,".

Amend sec. 21, page 9, line 2, by deleting: "[relations] *complaint resolution*" and inserting "relations".

Amend sec. 21, page 9, line 5, by deleting: "[relations] *complaint resolution*" and inserting "relations".

Amend sec. 21, page 9, line 6, by deleting "utility [," and inserting "utility,".

Amend sec. 21, page 9, line 7, by deleting ";]" and inserting "[;] ,".

Amend sec. 21, page 9, line 9, by deleting "*seller;*" and inserting "*sellers;*".

Amend sec. 22, page 9, line 13, by deleting "utility [," and inserting "utility,".

Amend sec. 22, page 9, line 14, by deleting "services]" and inserting "services ,".

Amend sec. 22, page 9, line 17, by deleting the open bracket.

Amend sec. 22, page 9, line 20, by deleting the closed bracket.

Amend sec. 22, page 9, line 25, by deleting: "[relations] *complaint resolution*" and inserting "relations".

Amend sec. 22, page 9, line 27, by deleting: "utility [, carrier or broker]" and inserting: "utility, carrier or broker ,".

Amend sec. 22, page 9, lines 28 and 29, by deleting: "utility [, carrier or broker]" and inserting: "utility, carrier or broker ,".

Amend sec. 22, page 9, line 32, by deleting: "[relations] *complaint resolution*" and inserting "relations".

Amend sec. 24, page 10, line 29, by deleting "or [fully" and inserting "[or fully".

Amend sec. 24, page 10, line 30, by deleting "*alternative seller*".

Amend sec. 24, page 10, line 31, by deleting: "or [carrier] *alternative seller*" and inserting "[or carrier]".

Amend sec. 24, page 10, line 38, by deleting: "or [carrier] *alternative seller*" and inserting "[or carrier]".

Amend sec. 24, page 11, line 2, by deleting: "and the [carrier] *alternative seller*" and inserting:"[and the carrier]".

Amend sec. 24, page 11, line 14, by deleting: "or [carrier.] *alternative seller.*" and inserting: ". [or carrier.]".

Amend sec. 24, page 11, line 19, by deleting: "or [carrier] *an alternative seller*" and inserting "[or carrier]".

Amend sec. 24, page 11, lines 20 and 21, by deleting: "or [carrier] *alternative seller*" and inserting "[or carrier]".

Amend sec. 24, page 11, line 22, by deleting: "or [carrier.] *alternative seller.*" and inserting: ". [or carrier.]".

Amend the bill as a whole by adding a new section designated sec. 24.5, following sec. 24, to read as follows:

"Sec. 24.5. NRS 703.376 is hereby amended to read as follows:

703.376 [Either] *Any* party to the action, within 60 days after the service of a copy of the order or judgment of the district court, may appeal to the supreme court as in other civil cases.".

Amend sec. 33, page 13, line 5, after "*provide*" by inserting "*potentially*".

Amend sec. 37, page 13, line 18, after the period by inserting: "*The term includes any potentially competitive electric service that is deemed to be competitive pursuant to subsection 5 of section 39 of this act.*".

Amend sec. 39, page 13, line 31, by deleting "*July 1,*" and inserting "*December 31,*".

Amend sec. 39, page 13, line 40, by deleting "*July 1,*" and inserting "*December 31,*".

Amend sec. 39, page 14, line 26, by deleting "*currently*".

Amend sec. 39, page 14, by deleting lines 31 through 39 and inserting:

"*5. On or before October 1, 2000, the commission shall submit to the director of the legislative counsel bureau for transmittal to the appropriate legislative committee a report which:*

(a) Evaluates the effectiveness of competition in the market for each service which customers have the right to purchase from alternative sellers; and

(b) Recommends actions which the legislature should take to increase the effectiveness of competition in the markets for all potentially competitive services.

6. On or before October 1, 2001, an electric service that has been found to be potentially competitive shall be deemed to be competitive.

7. The commission may reconsider any determination made pursuant to this section upon its own motion or upon a showing of good cause by a party requesting a reconsideration. Upon a finding by the commission that the market for a service previously found not to have effective competition has become effectively competitive,".

Amend sec. 39, page 15, line 1, by deleting "*6.*" and inserting "*8.*".

Amend sec. 39, page 15, line 3, by deleting "*July 1,*" and inserting "*December 31,*".

Amend sec. 40, page 15, line 23, after "*commission*" by inserting: "*may deny the application of an applicant for a license to operate as an alternative seller and*".

Amend sec. 40, page 15, line 27, by deleting "*license or*" and inserting "*license,*".

Amend sec. 40, page 15, line 28, after "*whether*" by inserting: "*to deny an application for a license to operate as an alternative seller or whether*".

Amend sec. 40, page 15, line 34, by deleting: "*on or before December 31, 1996,*".

Amend sec. 40, page 16, line 13, by inserting an italicized comma after "*standards*".

Amend sec. 40, page 16, line 14, by deleting "*regulation.*" and inserting: "*regulation, for the provision of transmission and distribution services in accordance with this subsection.*".

Amend sec. 42, page 17, by deleting line 17 and inserting:

"*(a) Mergers, consolidations or acquisitions of the assets or the securities of providers of electric services;*

(b) The disposition of ownership, operation or control of the assets of providers of electric services;

(c) Transmission congestion or constraints; and".

Amend sec. 42, page 17, line 18, by deleting "*(b)*" and inserting "*(d)*".

Amend sec. 42, page 17, line 19, by deleting "*seller*" and inserting: "*seller, an electric distribution utility*".

Amend sec. 42, page 17, line 21, by deleting "*seller*" and inserting: "*seller, electric distribution utility*".

Amend sec. 44, page 18, line 38, by deleting: "*704.800, 704.805 and 704.815.*" and inserting: "*704.800 to 704.900, inclusive.*".

Amend sec. 45, page 19, lines 19 and 20, by deleting: "*704.800, 704.805 and 704.815.*" and inserting: "*704.800 to 704.900, inclusive.*".

Amend sec. 45, page 19, line 25, by deleting "*services*" and inserting "*utilities*".

Amend sec. 45, page 20, line 4, after "*by the*" by inserting "*vertically integrated*".

Amend sec. 46, page 21, by deleting lines 3 through 27.

Amend sec. 47, page 21, by deleting lines 32 through 36 and inserting "*alternative sellers.*".

Amend sec. 49, page 22, line 30, before "*utility*" by inserting: "*vertically integrated electric*".

Amend sec. 49, page 22, line 31, before "*utility*" by inserting: "*vertically integrated electric*".

Amend sec. 51, page 23, line 17, after "*electric*" by inserting "*capacity and*".

Amend sec. 52, page 24, line 5, by deleting "*a portfolio*" and inserting "*portfolio standards*".

Amend sec. 52, page 24, line 6, by deleting "*standards*".

Amend sec. 52, page 24, line 8, after "*portfolio*" by inserting "*standards*".

Amend sec. 52, page 24, by deleting lines 10 and 11 and inserting: "*annually consumed by customers in this state as of January 1, 2001.*".

Amend sec. 52, page 24, by deleting lines 15 and 16 and inserting:

"*(c) Be derived from not less than 50 percent renewable energy resources.*".

Amend sec. 52, page 24, line 17, by deleting "*energy resources.*" and inserting: "*renewable energy systems.*".

Amend sec. 52, page 24, line 19, after "*Each*" by inserting "*vertically integrated*".

Amend sec. 52, page 24, line 22, by deleting "the" and inserting: "*each vertically integrated*".

Amend sec. 52, page 24, by deleting line 30 and inserting:

"*(a) Credits are issued for renewable energy resources for each kilowatt hour of*".

Amend sec. 52, page 24, by deleting lines 33 through 35 and inserting:

"*4. For the purposes of this section, a vertically integrated electric utility which, on January 1, 1997, has 9 percent of its electricity consumed by its customers served by renewable energy resources shall be deemed to be in*

compliance until January 1, 2005, with the portfolio standards established by the commission pursuant to this section. Between January 1, 2005, and December 31, 2009, such a vertically integrated electric utility and its affiliated alternative seller, if any, shall reach a total of one-half of 1 percent of the amount of electricity consumed by its customers, in annual increments of one-tenth of 1 percent, in solar energy resources for full compliance with the portfolio standard established by the commission pursuant to this section.".

Amend sec. 52, page 24, line 37, after "*by the*" by inserting "*vertically integrated*".

Amend sec. 52, page 24, line 42, after "*If the*" by inserting "*vertically integrated*".

Amend sec. 52, page 24, line 43, by deleting "*installation date;*" and inserting "*of installation;*".

Amend sec. 52, page 25, line 1, after "*of the*" by inserting "*vertically integrated*".

Amend sec. 52, page 25, line 8, after "*the*" by inserting: "*vertically integrated electric*".

Amend sec. 52, page 25, line 10, by deleting "*deemed* " and inserting "*deem*".

Amend sec. 52, page 25, line 19, after "*resources*" by inserting: "*in this state*".

Amend sec. 52, page 25, line 20, before "*that*" by inserting: "*in this state*".

Amend sec. 54, page 26, line 7, after "*private*" by inserting "*nonprofit*".

Amend sec. 54, page 26, by deleting lines 21 and 22.

Amend the bill as a whole by deleting sections 55 and 56 and inserting:

"Secs. 55 and 56. (Deleted by amendment.)".

Amend sec. 58, page 27, line 10, after "*sections*" by inserting "*58.5,*".

Amend the bill as a whole by adding a new section designated sec. 58.5, following sec. 58, to read as follows:

"Sec. 58.5. *"Alternative seller" means a seller of any competitive, discretionary or potentially competitive component of natural gas service.*".

Amend sec. 59, page 27, by deleting lines 12 and 13 and inserting:

"Sec. 59. *"Person" includes a natural person, corporation, partnership, public utility, government, governmental agency and political subdivision of a government.*".

Amend sec. 61, page 27, line 23, after "*and* " by inserting: "*an opportunity for*".

Amend sec. 61, page 27, line 35, by deleting "*commercially viable.*" and inserting "*potentially competitive.*".

Amend sec. 63, page 29, by deleting line 3 and inserting: "*customers. The commission shall verify the compliance of a public utility with its*".

Amend sec. 71, page 33, line 12, by deleting "rate, fare" and inserting: "rate [, fare]".

Amend sec. 71, page 33, line 13, by deleting "rate, fare" and inserting: "rate [, fare]".

Amend sec. 71, page 33, line 18, by deleting "fare," and inserting "[fare,]".

Amend sec. 71, page 33, line 23, by deleting "fare," and inserting "[fare,]".

Amend sec. 71, page 33, line 25, by deleting "fare," and inserting "[fare,]".

Amend sec. 71, page 33, line 29, by deleting "rate, fare" and inserting: "rate [, fare]".

Amend sec. 71, page 33, line 35, by deleting "rates, fares" and inserting: "rates [, fares]".

Amend sec. 71, page 33, line 42, by deleting "rates, fares" and inserting: "rates [, fares]".

Amend sec. 71, page 34, line 9, by deleting "rates, fares" and inserting: "rates [, fares]".

Amend sec. 71, page 34, line 12, by deleting "fare," and inserting "[fare,]".

Amend sec. 71, page 34, line 14, by deleting "fare," and inserting "[fare,]".

Amend sec. 71, page 34, line 16, by deleting "fare," and inserting "[fare,]".

Amend sec. 71, page 34, line 20, by deleting "rate, fare" and inserting: "rate [, fare]".

Amend sec. 71, page 34, line 31, by deleting "rate, fare" and inserting: "rate [, fare]".

Amend sec. 71, page 35, by deleting lines 3 through 5 and inserting: "such a facility. [For the purposes of this subsection, "utility facility" has the meaning ascribed to it in subsections 1, 2 and 3 of NRS 704.860.]".

Amend the bill as a whole by deleting sections 73 and 74 and inserting:

"Secs. 73 and 74. (Deleted by amendment.)".

Amend sec. 75, page 36, line 38, by deleting the open bracket.

Amend sec. 75, page 36, line 39, by deleting "passengers," and inserting "passengers [,".

Amend the bill as a whole by deleting sec. 83 and inserting:

"Sec. 83. (Deleted by amendment.)".

Amend sec. 87, page 42, line 10, by deleting "facilities;" and inserting: "facilities [;] , *other than plants and their associated facilities that are located in counties whose population is 100,000 or more;*".

Amend sec. 87, page 42, by deleting lines 16 through 18.

Amend sec. 87, page 42, line 19, by deleting "5." and inserting "4.".

Amend sec. 87, page 42, line 22, by deleting "6." and inserting "5.".

Amend sec. 90, page 44, line 16, by deleting "The" and inserting: "[The] *Except as otherwise provided in subsection 6, the*".

Amend sec. 90, page 45, between lines 13 and 14 by inserting:

"*5. The requirements set forth in paragraph (d) of subsection 2 do not apply to any application for a permit which is filed by a state government or political subdivision thereof.*".

Amend the bill as a whole by deleting sections 101 and 102 and inserting:

"Secs. 101 and 102. (Deleted by amendment.)".

Amend sec. 119, page 56, between lines 40 and 41, by inserting:

"*3. Use the services, records, facilities and cooperation of federal and state regulatory agencies, and hold joint hearings and participate in joint conferences to reach decisions in matters that require cooperation. All necessary expenses incurred in attending hearings and conferences outside this state are a charge against the state and must be audited and paid as other claims against the state are paid.*".

Amend sec. 125, page 58, line 26, by deleting "*authority*" and inserting: "*taxicab authority pursuant to NRS 706.8819*".

Amend sec. 125, page 58, line 27, before "*authority*" by inserting: "*transportation services*".

Amend sec. 125, page 58, line 28, by deleting: "*a judicial review pursuant to this section.*" and inserting: "*its review of decisions of the taxicab authority.*".

Amend sec. 132, page 60, line 4, by deleting "following:" and inserting "following [:".

Amend sec. 132, page 60, line 5, by deleting "1. Personal" and inserting: "1. Personal] *personal*".

Amend sec. 132, page 60, line 12, by inserting an opened bracket before "2.".

Amend sec. 132, page 60, line 16, by deleting "[commission] *authority*" and inserting "commission".

Amend sec. 132, page 60, line 24, by deleting "[commission] *authority*" and inserting "commission".

Amend sec. 132, page 60, line 28, by inserting a closed bracket after "goods.".

Amend sec. 134, page 61, lines 20 and 21, by deleting: "*sections 104 to 128, inclusive,*" and inserting "*section 128*".

Amend sec. 137, page 62, line 12, by inserting an open bracket before "Cooperate".

Amend sec. 137, page 62, line 15, by deleting "department." and inserting: "department.] *Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.*".

Amend sec. 137, page 62, between lines 35 and 36, by inserting:

"*5. Review decisions of the taxicab authority appealed to the authority pursuant to NRS 706.8819.*".

Amend sec. 139, page 63, by deleting line 6 and inserting: "Transportation, the Surface".

Amend sec. 139, page 63, line 7, by deleting "*Transportation Board,*" and inserting "Transportation Board,".

Amend sec. 139, page 63, line 28, by deleting "under" and inserting "pursuant to".

Amend sec. 140, page 63, line 42, by deleting: "[commission or the department] *authority*" and inserting: "[commission] *authority* or the department".

Amend the bill as a whole by deleting sec. 141 and inserting:

"Sec. 141. (Deleted by amendment.)".

Amend sec. 142, page 64, by deleting lines 37 and 38.

Amend sec. 142, page 64, line 39, by deleting "*3.*" and inserting "*2.*".

Amend sec. 143, page 64, line 41, by deleting "All" and inserting: "[All] *To the extent that such costs cannot be paid for from the transportation services authority regulatory fund, the*".

Amend sec. 151, page 67, line 12, after the period by inserting: "In determining the amount of liability insurance or other surety required of a carrier pursuant to this subsection, the department shall create a separate category for vehicles with a manufacturer's gross vehicle weight rating of less than 26,000 pounds and impose a lesser requirement with respect to such vehicles.".

Amend sec. 155, page 68, line 33, by deleting: "*sections 123, 124 and 125,*" and inserting "*section 125*".

Amend sec. 166, page 73, line 37, by deleting "*this chapter,*" and inserting:"*section 126 of this act,*".

Amend sec. 171, page 74, by deleting line 41 and inserting:

"1. [A person requesting service must be provided] *Upon the request of a person seeking service, the carrier of household goods shall provide the person* with a written, binding".

Amend sec. 171, page 74, line 42, by deleting "service at" and inserting: "service . [at".

Amend sec. 171, page 74, line 44, by inserting a closed bracket after "requirement.".

Amend sec. 196, page 86, line 16, by inserting an open bracket before "fully".

Amend sec. 196, page 86, line 17, by deleting "goods," and inserting "goods,] *person*".

Amend the bill as a whole by deleting section 203 and inserting:

"Sec. 203. NRS 706.8819 is hereby amended to read as follows:

706.8819 *1.* The taxicab authority shall conduct hearings and make final decisions in the following matters:

[1.] *(a)* Applications to adjust, alter or change the rates, charges or fares for taxicab service;

[2.] *(b)* Applications for certificates of public convenience and necessity to operate a taxicab service;

[3.] *(c)* Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;

[4.] *(d)* Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, apply; and

[5.] *(e)* Appeals from final decisions of the administrator made pursuant to NRS 706.8822.

2. An appeal to the final decision of the taxicab authority must be made to the transportation services authority.".

Amend the bill as a whole by deleting sec. 222 and inserting:

"Sec. 222. (Deleted by amendment.)".

Amend sec. 225, page 101, line 14, by deleting "*electricity.*" and inserting: "*electricity if the developer knows or reasonably should know the locations of such rights of way and easements.*".

Amend sec. 227, page 102, by deleting lines 2 and 3 and inserting: "commission of Nevada pursuant to NRS 703.375.".

Amend the bill as a whole by deleting sections 229 through 233 and inserting:

"Secs. 229-233. (Deleted by amendment.)".

Amend sec. 239, page 107, line 25, by deleting "*local governments,*".

Amend sec. 239, page 107, by deleting line 33.

Amend sec. 239, page 107, line 34, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 239, page 107, line 36, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 258, page 117, line 7, by deleting: "of county commissioners".

Amend sec. 258, page 117, line 19, by deleting: "[Investor] *Investors* Service, Inc." and inserting: "Investors Service, Inc.,".

Amend sec. 258, page 117, line 20, by deleting: "[Corporation,] *Rating Services,*" and inserting "Rating Services,".

Amend sec. 258, page 118, line 9, by deleting "assure" and inserting "ensure".

Amend sec. 265, page 122, by deleting line 18 and inserting: "Investors Service, Inc., or Standard and Poor's".

Amend sec. 265, page 122, line 19, by deleting "*Rating Services,*" and inserting "Rating Services,".

Amend sec. 265, page 123, line 2, by deleting "assure" and inserting "ensure".

Amend sec. 266, page 123, line 12, by deleting the brackets.

Amend sec. 266, page 123, line 14, by deleting: "Nevada [.] *; or*" and inserting "Nevada.".

Amend sec. 266, page 123, by deleting lines 15 and 16.

Amend sec. 272, page 129, by deleting lines 18 and 19 and inserting:

"289.320 An employee of the [public service commission of Nevada] *transportation services authority* whom it designates as an".

Amend sec. 272, page 129, by deleting lines 22 and 23 and inserting:

"1. Chapters [704, 705 and] 706 *and 712* of NRS and all regulations of the [commission] *transportation services authority* or the department".

Amend sec. 279, page 133, line 4, by deleting "*otherwise*" and inserting "otherwise".

Amend sec. 279, page 133, line 7, by deleting "under" and inserting "pursuant to".

Amend sec. 279, page 133, line 8, by deleting: "for the purpose of creating" and inserting "to create".

Amend sec. 279, page 133, line 11, by deleting "including ," and inserting "including,".

Amend sec. 279, page 133, by deleting line 16 and inserting: "jurisdiction of the Surface".

Amend sec. 279, page 133, line 17, by deleting "*Transportation Board*" and inserting "Transportation Board".

Amend sec. 296, page 145, line 11, by inserting an open bracket before "233B.130".

Amend sec. 296, page 145, by deleting line 12 and inserting: "233B.150, inclusive.] *703.373.*".

Amend sec. 302, page 148, line 26, by inserting an open bracket before "The".

Amend sec. 302, page 148, line 29, by deleting the open bracket before "public".

Amend sec. 302, page 148, line 30, by deleting "Nevada.] *department.*" and inserting "Nevada.".

Amend sec. 302, page 148, by deleting line 31 and inserting: "2. The public service commission of Nevada shall not".

Amend sec. 302, page 148, line 37, by deleting "3." and inserting "3.]".

Amend sec. 302, page 148, line 42, by deleting "4." and inserting "[4.] *2.*".

Amend sec. 302, page 148, line 43, by deleting: "*transportation services authority*" and inserting "*department*".

Amend sec. 302, page 149, by deleting lines 4 through 8 and inserting: "*department* may:

(a) Revoke [a certificate issued pursuant to chapter 706 of NRS;] *its written approval given pursuant to NRS 706.437;* or

(b) In the case of a carrier whose certificate is issued by the *former Interstate Commerce Commission or the* Surface Transportation Board, file a complaint with [that commission.] *the Surface Transportation Board.*".

Amend sec. 305, page 151, by deleting lines 3 and 4 and inserting:

"(4) Inspectors employed by the [public service commission of Nevada] *transportation services authority* who exercise those powers".

Amend sec. 305, page 151, line 5, by deleting: "704, 705 and 706" and inserting: "[704, 705 and] 706 *and 712*".

Amend sec. 306, page 152, line 15, by deleting "[Interstate Commerce".

Amend sec. 306, page 152, line 16, by deleting: "Commission] *Surface Transportation Board*" and inserting: "Surface Transportation Board".

Amend sec. 306, page 152, line 17, after "such" by inserting "a".

Amend sec. 307, page 152, line 28, by deleting "[Interstate Commerce".

Amend sec. 307, page 152, line 29, by deleting: "Commission] *Surface Transportation Board*" and inserting: "Surface Transportation Board".

Amend sec. 307, page 152, line 30, after "such" by inserting "a".

Amend sec. 308, page 153, line 11, by deleting "[Interstate".

Amend sec. 308, page 153, line 12, by deleting: "Commerce Commission] *Surface Transportation Board*" and inserting: "Surface Transportation Board".

Amend sec. 308, page 153, line 32, by deleting "No" and inserting "A".

Amend sec. 308, page 153, line 33, after "may" by inserting "not".

Amend sec. 316, page 158, lines 30 and 31, by deleting: "public [service] *utilities* commission of Nevada" and inserting: "[public service commission of Nevada] *transportation services authority*".

Amend sec. 317, page 159, line 33, by deleting "Nevada [.]" and inserting "Nevada.".

Amend sec. 317, page 159, by deleting lines 34 and 35.

Amend sec. 325, page 161, line 29, by deleting: "*a fee basis,*" and inserting: "*the basis of a fee,*".

Amend sec. 325, page 161, line 30, by deleting: "*refiner to engage in the*".

Amend sec. 325, page 161, line 33, by deleting "*recession*" and inserting "*rescission*".

Amend sec. 325, page 161, line 36, by deleting: "*more than three*" and inserting: "*three or more*".

Amend sec. 326, page 162, line 5, by deleting "*services*" and inserting "*service*".

Amend sec. 326, page 162, line 8, by deleting "*services*" and inserting "*service*".

Amend sec. 326, page 162, line 11, by deleting "*services*" and inserting "*service*".

Amend sec. 326, page 162, line 14, by deleting "*services*" and inserting "*service*".

Amend sec. 326, page 162, line 24, by deleting "*services*" and inserting "*service*".

Amend sec. 326, page 162, line 32, by deleting "*leases*" and inserting: "*leases, in addition to the number of service stations leased by the refiner to lessee dealers on July 1, 1997,*".

Amend sec. 326, page 162, line 34, by deleting "*a service*" and inserting: "*an additional service*".

Amend sec. 330, page 164, line 35, by deleting "any" and inserting "an".

Amend sec. 330, page 164, line 4, by deleting "under" and inserting "pursuant to".

Amend sec. 330, page 165, line 5, after "5." by inserting: "An owner of a complex containing not more than four condominiums, townhouses, apartments or cooperative units, the managing officer of the owner or an employee of the managing officer, who performs work to repair or maintain that property the value of which is less than $500, including labor and materials, unless:

(a) A building permit is required to perform the work;

(b) The work is of a type performed by a plumbing, electrical, refrigeration, heating or air-conditioning contractor;

(c) The work is of a type performed by a contractor licensed in a classification prescribed by the board that significantly affects the health, safety and welfare of members of the general public;

(d) The work is performed as a part of a larger project:

(1) The value of which is $500 or more; or

(2) For which contracts of less than $500 have been awarded to evade the provisions of this chapter; or

(e) The work is performed by a person who is licensed pursuant to this chapter or by an employee of such a person.

6.".

Amend sec. 330, page 165, line 7, by deleting "6. Any" and inserting "7. The".

Amend sec. 330, page 165, line 9, by deleting "7. Any" and inserting "8. The".

Amend sec. 330, page 165, line 11, by deleting "any" and inserting "a".

Amend sec. 330, page 165, line 13, by deleting "8." and inserting "9.".

Amend sec. 330, page 165, line 16, by deleting "9." and inserting "10.".

Amend the bill as a whole by deleting sec. 331 and inserting:

"Sec. 331. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 332 and 333 adding new sections designated sections 332, 332.5, 333 and 333.5, following sec. 331, to read as follows:

"Sec. 332. Section 4 of this act is hereby amended to read as follows:

Sec. 4. NRS 703.010 is hereby amended to read as follows:

703.010 As used in this chapter, unless the context otherwise requires:

1. "Alternative seller" has the meaning ascribed to it in section 30 of this act.

2. "Commission" means the public [service] *utilities* commission of Nevada.

[3. "Fully regulated carrier" has the meaning ascribed to it in NRS 706.072.]

Sec. 332.5. Section 20 of this act is hereby amended to read as follows:

Sec. 20. NRS 703.230 is hereby amended to read as follows:

703.230 The commission may, in carrying out its duties:

1. Cooperate with the Federal Government, its departments and agencies.

2. Confer with the regulatory agencies of other states on matters of mutual concern and benefit to persons served by the public utilities [, motor carriers and brokers,] and alternative sellers of this state.

3. Use the services, records, facilities and cooperation of federal and state regulatory agencies, and hold joint hearings and participate in joint conferences to reach decisions in matters which require cooperation. All necessary expenses incurred in attending hearings and conferences outside this state are a charge against the state, and must be audited and paid as other claims against this state are paid. The claims must be sworn to by the commissioner who incurred the expense and approved by the chairman.

Sec. 333. Section 21 of this act is hereby amended to read as follows:

Sec. 21. NRS 703.290 is hereby amended to read as follows:

703.290 1. A division of consumer [relations] *complaint resolution* is hereby established within the commission.

2. Pursuant to regulations adopted by the commission, the division of consumer [relations] *complaint resolution* shall:

(a) Receive and investigate complaints made against any public utility [, motor carrier or broker,] or alternative seller;

(b) Conduct appropriate investigations of the service practices of utility companies [and motor carriers and brokers,] or alternative sellers; and

(c) Perform such other functions as are required by law or as the commission deems appropriate.

Sec. 333.5. Section 22 of this act is hereby amended to read as follows:

Sec. 22. NRS 703.310 is hereby amended to read as follows:

703.310 1. When a complaint is made against any public utility [, fully regulated carrier or broker of regulated services] or alternative seller by any person, that any of the rates, tolls, charges or schedules for regulated services, or any joint rate or rates are in any respect unreasonable or unjustly discriminatory, [or that any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, or the service of any broker in connection therewith,] or any regulation, measurement, practice or act affecting or

relating to the production, transmission or delivery or furnishing of heat, light, gas, coal slurry, water or power, or any service in connection therewith or the transmission thereof is, in any respect, unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate, the division of consumer [relations] *complaint resolution* shall investigate the complaint. After receiving the complaint, the division shall give a copy of it to the public utility [, carrier or broker,] or alternative seller against whom the complaint is made. Within a reasonable time thereafter, the public utility [, carrier or broker,] or alternative seller shall provide the commission with its written response to the complaint according to the regulations of the commission.

2. If the division of consumer [relations] *complaint resolution* is unable to resolve the complaint, the division shall transmit the complaint, the results of its investigation and its recommendation to the commission. If the commission determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 703.320.".

Amend the bill as a whole by adding a new section designated sec. 334.5, following sec. 334, to read as follows:

"Sec. 334.5. NRS 703.155, 706.106 and 706.174 are hereby repealed.".

Amend sec. 338, page 170, line 30, by deleting "48" and inserting "54".

Amend sec. 339, page 170, line 37, by deleting: "legislative committee on utilities" and inserting: "appropriate legislative committee".

Amend sec. 341, page 171, by deleting lines 24 through 30 and inserting:

3. Not later than August 1, 1997, the governor shall appoint three persons as members of the transportation services authority, whose terms commence on October 1, 1997. For the initial term of the members of the transportation services authority, the governor shall appoint:

(a) Two members who were members of the public service commission of Nevada on January 1, 1997, and whose initial terms as members of the transportation services authority expire on the same date as their term in their most recent appointment to the public service commission of Nevada; and

(b) One member to a 4-year term.

4. Members of the transportation services authority who are appointed pursuant to paragraph (a) of subsection 3:

(a) Shall continue to serve on the public service commission of Nevada until October 1, 1997, but shall devote their full time and attention to matters pertaining to transportation, other than those matters relating to railroads, and to the creation of the transportation services authority;

(b) On or after August 1, 1997, may not vote on or participate in any proceeding or hearing on any matter that is before the public service commission of Nevada, except for those matters pertaining to transportation, other than railroads; and

(c) Are not entitled to any additional salary for their services performed in accordance with this subsection.".

Amend sec. 345, page 172, by deleting lines 11 through 26 and inserting:

"Sec. 345. 1. This section and sections 4, 20, 21, 22, 27 to 54, inclusive, 230 to 233, inclusive, 320 to 326, inclusive, 334, 335 to 344, inclusive, 346 and 347 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, 5 to 19, inclusive, 23 to 26, inclusive, 55 to 70, inclusive, 71 to 150, inclusive, 152 to 172, inclusive, 174, 176, 178 to 221, inclusive, 223 to 229, inclusive, 234 to 319, inclusive, 327, 328, 329, 331 to 333.5, inclusive, and 334.5 of this act become effective on October 1, 1997.

3. Sections 151, 222 and 330 of this act become effective at 12:01 a.m. on October 1, 1997.

4. Sections 173, 175 and 177 of this act become effective on the date that the provisions of 49 U.S.C. § 11501 are repealed or judicially declared to be invalid.".

Amend the bill as a whole by deleting the text of the repealed section and inserting the leadlines for NRS 597.700, 703.155, 706.106 and 706.174.

Assemblyman Bache moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 366.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 314, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 14, which is attached to and hereby made a part of this report.

BARBARA E. BUCKLEY	MICHAEL A. SCHNEIDER
GENE WINES SEGERBLOM	ANN O'CONNELL
MARK AMODEI	RAYMOND C. SHAFFER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 14.

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

"Sec. 15.5. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment

has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association.

2. Except for assessments under subsections 3, 4 and 5, all common expenses, including a reserve, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107. Any past due assessment for common expenses or installment thereof bears interest at the rate established by the association not exceeding 18 percent per year.

3. To the extent required by the declaration:

(a) Any common expense associated with the maintenance, repair or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

4. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

5. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his unit.

6. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

7. The association shall provide written notice to the owner of each unit of a meeting at which an assessment for a capital improvement *or the commencement of a civil action* is to be considered or action is to be taken on such an assessment at least 21 calendar days before the meeting. *Except as otherwise provided in this subsection, the association may commence a civil action only upon a vote or agreement of the owners of units to which at least a majority of the votes of the members of the association are allocated. The provisions of this subsection do not apply to a civil action that is commenced:*

(a) By an association for a time-share project governed by the provisions of chapter 119A of NRS;

(b) To enforce the payment of an assessment;

(c) To enforce the declaration, bylaws or rules of the association;

(d) To proceed with a counterclaim; or

(e) To protect the health, safety and welfare of the members of the association.".

Amend sec. 16, page 11, by deleting lines 26 through 40 and inserting: "unit of a meeting at which an assessment for a capital improvement or the

commencement of a civil action is to be considered or action is to be taken on such an assessment at least 21 calendar days before the meeting. Except as otherwise provided in this subsection, the association may commence a civil action only upon a vote or agreement of the owners of units to which at least a majority of the votes of the members of the association are allocated. The provisions of this subsection do not apply to a civil action that is commenced:

(a) By an association for a time-share project governed by the provisions of chapter 119A of NRS;

(b) To enforce the payment of an assessment;

(c) To enforce the declaration, bylaws or rules of the association;

(d) To proceed with a counterclaim; or

(e) To protect the health, safety and welfare of the members of the association.".

Amend sec. 20, page 14, by deleting lines 30 through 32 and inserting: "*plans,* the bylaws, and the rules or regulations of the association;".

Amend the bill as a whole by adding a new section designated as sec. 20.5, following sec. 20, to read as follows:

"Sec. 20.5. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance:

(a) A copy of the declaration, other than any plats and plans, the bylaws, [and] the rules or regulations of the association [;] *and, except for a time share governed by the provisions of chapter 119A of NRS, the information statement required by section 11 of this act;*

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) The current operating budget of the association and a financial statement for the association; and

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

2. The association, within 10 days after a request by a unit's owner, shall furnish a certificate containing the information necessary to enable the unit's owner to comply with this section. A unit's owner providing a certificate pursuant to subsection 1 is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

3. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the

certificate prepared by the association. If the association fails to furnish the certificate within the 10 days allowed by subsection 2, the seller is not liable for the delinquent assessment.".

Amend sec. 27, page 17, by deleting line 7 and inserting:

"Sec. 27. 1. This section and sections 1 to 5, inclusive, 6, 13, 14, 15.5, 17, 18 and 20 of this act become effective upon passage and approval.

2. Section 23 of this act becomes effective".

Amend sec. 27, page 17, line 9, by deleting "2." and inserting "3.".

Amend sec. 27, page 17, by deleting line 13 and inserting: "4. Sections 5.5, 8, 11, 12, 15, 16, 19, 20.5, 21 and 22 of this act".

Amend sec. 27, page 17, line 15, by deleting "4." and inserting "5.".

Assemblywoman Buckley moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 314.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 242, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 13, which is attached to and hereby made a part of this report.

BARBARA E. BUCKLEY
CHRIS GIUNCHIGLIANI
JACK D. CLOSE, SR.
Assembly Committee on Conference

KATHY AUGUSTINE
DEAN A. RHOADS
Senate Committee on Conference

Conference Amendment No. 13.

Amend sec. 17, page 4, line 13, by deleting: "*and sell motor vehicles.*" and inserting: "*a motor vehicle from a person and sell the motor vehicle to the same person.*".

Amend the title of the bill by deleting the sixth line and inserting: "secondhand dealer from selling a motor vehicle to the person from whom the motor vehicle was bought;".

Assemblywoman Buckley moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 242.

Remarks by Assemblywoman Buckley.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Collins and Sandoval as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 208.

Mr. Speaker appointed Assemblymen Williams, Chowning and Amodei as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 191.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:19 p.m.

ASSEMBLY IN SESSION

At 11:44 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that the action whereby the Assembly concurred in Senate Amendment No. 1017 to Assembly Bill No. 291 be rescinded.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Price requested that Assemblyman Anderson's remarks be entered in the Journal.

Thank you, Mr. Speaker. Yesterday was the 4th of July and I had prepared myself to make a few remarks.

Mr. Speaker, sometimes I think that the act of democracy is lost in our July 4th celebrations. Although it focuses on the Declaration of Independence—a document which has come to be cherished as the birth certificate of the country—it is in the bodies of the state legislatures that democracy truly lives.

As a dreamer of the concept of democracy and its practical application, I believe it is in this body that democracy truly rests. The chief executive officer of the state, the governor, was a royal appointment and is, in fact, a leader with the type of authority that leaders have always held, regardless of time. The judiciary has always acted as the intermediary between the strong arm of enforcement and the need for compassion and justice. If the American dream is to live anywhere, it must live in this body. It has—I've seen it live.

It is such a pleasure to serve with people like you—42 people in this room that care about tomorrow—who keep alive a dream, people who each day believe that tomorrow will be better than yesterday and that we can raise the cause of mankind. It's hard not to appreciate the role of democracy, but I think we're often undervalued or under recognized for who we are.

Sometimes people believe that the seat of democracy grew only 200 years ago. I believe that the tree of democracy grows in this room each and every day when I walk into it, and in our committees, when I listen to the free discussion of people. It is unfortunate that in this session, for the first time ever, I have seen members who would use their power and authority to intimidate people, to quiet the public from exercising their right to free speech and to address our body. It always strikes deep at the very root of what a democratic society is all

about. We, each of us, deserve respect, not because of who we are but rather the people who sent us here. Even though we look on each other from time to time askew—because of a particular human nature or an emotional response—it is the people we represent that demand that we treat each other with respect.

I want to especially thank you, Mr. Speaker, for your leadership and for providing us with a great model as a speaker, not because of the number of times that you've been in this chamber but because you have made sure that the people are heard. You have done that from the first time you served in this body and will continue to do so because it is part of your very nature and because you are what every American should be. Mr. Speaker, I wish to salute you because you are the people of this state.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 11, 15, 26, 35, 74, 77, 99, 104, 123, 126, 184, 198, 204, 210, 266, 296, 306, 312, 319, 343, 404, 405, 419, 436, 442, 456, 457, 460, 468, 472, 476, 485, 512, 517, 518, 538, 549, 589, 600, 611, 631, 634, 644, 646, 648, 652, 654, 664, 665; Assembly Concurrent Resolutions Nos. 32, 44, 56; Assembly Resolution No. 17; Senate Bills Nos. 3, 6, 17, 35, 50, 58, 80, 105, 135, 150, 169, 182, 201, 204, 214, 219, 229, 251, 258, 275, 313, 325, 328, 341, 350, 363, 365, 367, 372, 378, 385, 396, 402, 403, 409, 426, 429, 434, 443, 447, 452, 455, 469, 472, 476, 478, 485; Senate Concurrent Resolutions Nos. 10, 21, 53, 60, 61, 62, 63; Senate Joint Resolutions Nos. 3 of the 68th Session, 14 of the 68th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Hawkins, Phyllis Hawkins and Shirley Fratt.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Carlson, Marie-Laure Delage-Carlson and Mark Carlson.

Assemblyman Perkins moved that the Assembly adjourn until Sunday, July 6, 1997 at 9 a.m.

Motion carried.

Assembly adjourned at 11:47 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-EIGHTH DAY

CARSON CITY (Sunday), July 6, 1997

Assembly called to order at 9:39 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Freeman, who was excused.

Prayer by the Chaplain, The Reverend Richard H. Campbell.

Most Gracious God: We humbly pray to You for the people of this nation in general and the citizens of Nevada in particular. Be gracious to us all this day. Especially bless this Assembly as it deliberates on our behalf. May their actions be to Your glory and to the safety, honor and welfare of the people. May their work this day be upon the best and surest of foundations; that peace, happiness, truth and justice may be established among us. Accept now our thanksgiving for Your presence in our lives. We pray in Your glorious Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 5, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 470.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 259, 647.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 504 and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 18—Expressing appreciation to the Chief Clerk, the staff of the front desk, the sergeant at arms and his staff and the other attachés of the Assembly for their dedication and outstanding performance during the 69th session of the Nevada Legislature.

WHEREAS, The smooth and efficient operation of the Nevada Legislature is largely dependent upon the quality and dedication of the staff; and

WHEREAS, The attachés of the Assembly, composed of bill clerks, secretaries, the sergeant at arms and his staff, the staff of the front desk and other clerical and support staff, have worked diligently and efficiently in their service to the members of this legislative body; and

WHEREAS, The bill clerks, arriving at 5 a.m. or earlier, have worked their magic this session without being seen or acknowledged, even though their absence would be noticed immediately; and

WHEREAS, The secretaries and other clerical support have kept minutes, listened to constituents, written letters, organized the offices of legislators, packed those offices, unpacked those offices, set up those offices again, and performed countless other important tasks necessary to the operation of this Legislature; and

WHEREAS, The sergeant at arms and his staff have pleasantly performed errands, poured coffee, delivered messages, handed out countless copies of amendments and other official materials, greatly assisted in the legislative recycling program and organized the daily files of the Assembly; and

WHEREAS, The Chief Clerk, the ladies of the front desk and the lone gentleman of the front desk have diligently ensured that the business of the legislative session is accurately recorded, visually presented on the viewing screens, steadily flowing and clearly presented to the listening public; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 69th session of the Nevada Legislature commend and express their heartfelt appreciation to the Chief Clerk, the staff of the front desk, the sergeant at arms and his staff and the other attachés for their dedicated service ensuring that this legislative session was successful and orderly despite technical difficulties and an expanding building; and be it further

RESOLVED, That the Legislative Counsel prepare and transmit a copy of this resolution to the Chief Clerk of the Assembly, Linda Alden.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Hettrick, Perkins, Ernaut and Price.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. This is just a small token of our appreciation to thank the front desk and all the attachés. They've been like a family here, with a sense of humor, the hat-a-day crew from Carolyn and our attachés have been just remarkable this session. I think we haven't had a better group. This resolution is just simply a small token of our thanks to you. You are the glue that binds us together and helps us and just a small thank you from all of us to all of you.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I, too, have to rise in support of this resolution. The front desk has done just a tremendous job, and I can't resist one last little pun, Mr. Speaker. I'm so proud of Linda Alden because I had a hand in her selection. I don't want to make a joke of my comments, but I just couldn't resist that. I truly am proud of the job they have done, and

particularly proud of Linda. She has put together a great front desk staff. They have worked so seemlessly for us this session. Huge shoes to fill, Mr. Speaker. You know better than any what Linda stepped into, and I think she has done a remarkable job, and I congratulate her. All the attachés and staff here always do a great job for us, so it is a true pleasure for me to rise in support of this resolution.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I, too, rise in support of AR 18. Hopefully it's at a point in time not too long in the future I'll have an opportunity to speak a little bit more about what we've done this session. I think as we reflect on the things that we've accomplished and the business that we've done for our state, we can take great pride in what we've accomplished this session, and none of that could be possible without the people that we have that support us and push us through and get the work done. So often you'll see in the newspaper, just about on a daily basis these days, a story about a legislator and this bill and that bill, and you never see the faces and hear the names of the folks that are really doing the work. My hat is off to you, and I truly appreciate the work that you guys have done. It would not have been possible without you.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I stand in support of Assembly Resolution 18. When I first came to the chambers here in 1987, I was 21 or 22 years old. I didn't know a soul. I'd never been in the building, and everybody knows that feeling. Some of you freshmen still have that feeling. You're walking around trying to gravitate towards people who are friendly and nice and show you the way, and I tell you, Linda Alden, who was not Linda Alden then, it was Linda Keaton, was the secretary for Mouryne Landing. She always had a nice thing to say, always treated me with respect, long before I was a member of this body. Then she ran off and got married and took a couple of years off and came back. I have to say, she has been a fantastic chief clerk. I've served my entire tenure under Mouryne Landing, who was absolutely amazing, and we didn't lose a beat. And this front desk, especially the Basco down there on the other end, is a fantastic group of people. I don't know that we've ever had a nicer bunch on the front desk who just have a kind thing to say every day and a smile and just so eager to help everybody. You guys are the best, and we couldn't do it without you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. This is a wonderful way to start off what we hope is our last day, in showing our appreciation and love for those who have done so much for us. As Chris mentioned, we do become family, except I don't know how your part of the family puts up with our part of the family, but you do, and you do it so graciously. You can count on the fact that you're loved, appreciated, and overworked, by everyone in this body, and we thank you so much.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

It has been quite an experience for me having a new Chief Clerk and the excellent staff that she put together here at the front desk. Everybody smiles and is happy, maybe not today, but they have been the rest of the session. It's really been nice to work with the front desk. Linda came in here and took over and has done a beautiful job for us, and we really have to commend our staff for all their efforts. It was tough to start with—the computers didn't work and we had to move in. Last night at 10:00 o'clock we had everything cleaned off our desk because of their efficiency, so I just wanted to express my thanks to the entire staff.

ASSEMBLYMAN PRICE:

I think while we're saying this, we might want to make special mention to our Sergeant at Arms and staff from the Sergeant at Arms office. They have just run and worked so hard running all over this building and doing errands and taking care of us, and I don't really remember ever having a better, hardworking, pleasant staff for us, and they've just been wonderful for us also.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 470.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 622; Senate Bills Nos. 5, 39, 253, 375 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 596.

Bill read third time.

Assemblyman Ernaut moved that Assembly Bill No. 596 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 488 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 194 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 622.

Bill read third time.

Remarks by Assemblywoman Braunlin.

Roll call on Assembly Bill No. 622:

YEAS — 40.

NAYS — None.

Not voting — Lambert, Sandoval — 2.

Assembly Bill No. 622 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 5.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 5:
YEAS — 42.
NAYS — None.
Senate Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 39.
Bill read third time.
Remarks by Assemblyman Williams.
Roll call on Senate Bill No. 39:
YEAS — 42.
NAYS — None.
Senate Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 218.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 218:
YEAS — 42.
NAYS — None.
Senate Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 253.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Senate Bill No. 253:
YEAS — 42.
NAYS — None.
Senate Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 375.
Bill read third time.
Remarks by Assemblymen Price and Neighbors.
Roll call on Senate Bill No. 375:
YEAS — 42.
NAYS — None.

Senate Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 460.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Senate Bill No. 460:

YEAS — 42.

NAYS — None.

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

Bill ordered transmitted to the Senate.

Senate Bill No. 30.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 30:

YEAS — 24.

NAYS — Amodei, Anderson, Carpenter, Cegavske, Close, Evans, Freeman, Gustavson, Herrera, Hickey, Koivisto, Lambert, Lee, Manendo, Ohrenschall, Segerblom, Tiffany, Von Tobel — 18.

Senate Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 596.

Bill read third time.

Remarks by Assemblymen Ernaut, Hickey, Anderson, Hettrick, Tiffany, Lambert, Sandoval, Humke and Freeman.

Roll call on Assembly Bill No. 596:

YEAS — 24.

NAYS — Anderson, Arberry, Bache, Buckley, Chowning, Close, de Braga, Evans, Freeman, Giunchigliani, Koivisto, Lambert, Mortenson, Parks, Perkins, Sandoval, Segerblom, Williams — 18.

Assembly Bill No. 596 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 488.

Bill read third time.

The following amendment was proposed by Assemblyman Goldwater:

Amendment No. 1239.

Amend the bill as a whole by deleting section 1 and renumbering sec. 1.5 as section 1.

Amend sec. 2, page 2, by deleting lines 39 through 41 and inserting: "the money over to the commission. Subject to the provisions of subsection 5, the money must be deposited with the state".

Amend sec. 3, page 3, by deleting lines 29 through 41 and inserting:

"5. If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the commission.".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 4 and 5.

Amend the title of the bill by deleting the fifth through eighth lines and inserting: "involved in unarmed combat is entitled;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater, Humke and Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 194 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 174, 495, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 6, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 366.

MARY JO MONGELLI
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 174.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 174:

YEAS — 42.

NAYS — None.

Senate Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 495.

Bill read third time.

Remarks by Assemblymen Close and Giunchigliani.

Roll call on Senate Bill No. 495:

YEAS — 37.

NAYS — Collins, Evans, Freeman, Giunchigliani, Koivisto — 5.

Senate Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 496.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 496:

YEAS — 42.

NAYS — None.

Senate Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 504.

The following Senate amendment was read:

Amendment No. 1203.

Amend section 1, page 1, by deleting line 2 and inserting: "a new section to read as follows:

1. Any:

(a) Teacher who, as part of the program to provide pupils with the skills to make the transition from school to work established pursuant to NRS 388.368, works without pay for an employer other than the school district, university or community college with which the teacher is employed, and is not specifically covered by any other provisions of chapters 616A to 616D, inclusive, of NRS, while engaging in that work; or

(b) Pupil who, as part of the program to provide pupils with the skills to make the transition from school to work established pursuant to NRS 388.368, works without pay for an employer,

shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of that employer at the wage of $900 per month. The

teacher or pupil is entitled to the benefits of those chapters when the employer complies with the provisions of those chapters and the regulations adopted pursuant thereto.

2. A person who is insured by the system and is deemed to be the employer of a teacher or pupil pursuant to subsection 1 shall:

(a) Report to the insurer the name of the teacher or pupil and the classification of risk assigned for the teacher or pupil; and

(b) Pay the premium for each month or portion thereof for which the teacher or pupil performs work without pay for the employer.".

Amend the bill as a whole by deleting sections 2 and 3 and inserting:

"Secs. 2 and 3. (Deleted by amendment.)".

Amend sec. 4, page 2, line 10, by deleting: "*sections 2 and 3*" and inserting "*section 1*".

Assemblywoman Krenzer moved that the Assembly concur in the Senate amendment to Assembly Bill No. 504.

Remarks by Assemblywoman Krenzer.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:56 a.m.

ASSEMBLY IN SESSION

At 12:40 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 6, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 280, 318, 669, 670.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 82, 280, 330, 379, 415, 451, 501, 508, 536, 570, 576, 581, 662, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 497.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 432, 433, 451.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 170.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 430.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Rhoads and Regan as a first Committee on Conference concerning Senate Bill No. 424.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, McGinness and Wiener as a first Committee on Conference concerning Senate Bill No. 331.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 331.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Senate Bill No. 66.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 103, 256, 436, 458, 480.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 254 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 642 be taken from the Unfinished Business File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 208 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 312 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 488 be placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 432.

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

Motion carried.

Senate Bill No. 433.

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

Motion carried.

Senate Bill No. 451.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 497.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 312.

Bill read second time.

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

Amendment No. 1211.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 11 and 12 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

"Section 1. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *1. The governing body of each municipality in which an urban renewal agency was transacting business or exercising powers on September 30, 1997, shall provide by ordinance for the transfer of the agency's facilities, records and personnel to the municipality.*

2. The repeal of NRS 279.370 does not affect any legal action, contract or obligation of the agency. The municipality is substituted for the agency and for the purpose of the action, contract or obligation shall be deemed a continuation of the agency.

3. As used in this section, "municipality" means any county, incorporated city or town in this state.

Sec. 3. *"Slum" means an area characterized by buildings or improvements, whether or not residential, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, air, sanitation or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety and welfare.*

Sec. 4. *1. An agency shall not exercise the power of eminent domain for redevelopment unless it makes a written finding that the general public, as the primary beneficiary, will receive and enjoy specific and substantial benefits from the use of the property to be taken.*

2. If the exercise of the power of eminent domain benefits a specific and identifiable private interest, a claim that the public interest is the predominant reason for the exercise of the power of eminent domain must receive strict scrutiny from the agency and, if a court reviews the agency's written finding, from the court.

Sec. 5. *1. An agency may create one or more residential plans for areas within the redevelopment area. Each area must be conterminous with a census tract. The agency may create an advisory council for redevelopment in each area so created. Such a council may propose its plan for redevelopment of the area, including preservation of the neighborhood, to the agency.*

2. The agency may include in its budget money for use by an advisory council to carry out the plan of the council.

Sec. 6. NRS 279.382 is hereby amended to read as follows:

279.382 The provisions contained in NRS 279.382 to 279.685, inclusive, *and sections 3, 4 and 5 of this act* may be cited as the Community Redevelopment Law.

Sec. 7. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, *and sections 3, 4 and 5 of this act,* unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, *and section 3 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 279.388 is hereby amended to read as follows:

279.388 "Blighted area" means an area which is characterized by one or more of the following factors:

1. The existence of buildings and structures, used or intended to be used for residential, commercial, industrial or other purposes, or any combination thereof, which are unfit or unsafe for those purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime because of *:* [one or more of the following factors:]

(a) Defective design and character of physical construction *;* [.]

(b) Faulty arrangement of the interior and spacing of buildings *;* [.]

(c) Overcrowding *;* [.]

(d) Inadequate provision for ventilation, light, sanitation, open spaces and recreational facilities *;* [.]

(e) Age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses [.] *; or*

(f) Any combination of the factors set forth in paragraphs (a) to (e), inclusive, which impairs or arrests the sound growth of a community, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety or welfare in its present condition and use.

2. An economic dislocation, deterioration or disuse, resulting from faulty planning.

3. The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

4. The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions [.

5. The] *, or faulty in size, accessibility or usefulness.*

5. An area characterized by the existence of inadequate streets, open spaces and utilities.

6. The existence of lots or other areas which may be submerged.

7. Prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

8. A growing or total lack of proper utilization of some parts of the area, resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare.

9. A loss of population and a reduction of proper use of some parts of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

10. Delinquency of taxes or special assessments exceeding the fair market value of the land.

11. Defective or unusual conditions of title.

12. The existence of conditions which endanger life or property by fire or other causes.

Sec. 9. NRS 279.408 is hereby amended to read as follows:

279.408 1. "Redevelopment" means the planning, development, *preservation,* replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of all or part of a redevelopment area, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including:

(a) Recreational and other facilities appurtenant thereto.

(b) The alteration, improvement, modernization, reconstruction or rehabilitation, or any combination thereof, of existing structures in a redevelopment area.

(c) Provision for uses involving open space, such as:

(1) Streets and other public grounds;

(2) Space around buildings, structures and improvements;

(3) Improvements of recreational areas; and

(4) Improvement of other public grounds.

(d) The replanning, redesign or original development of undeveloped areas where:

(1) The areas are stagnant or used improperly because of defective or inadequate layouts of streets, faulty layouts of lots in relation to size, shape, accessibility or usefulness, or for other causes; or

(2) The areas require replanning and assembly of land for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency or other reasons.

2. "Redevelopment" does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area.

Sec. 10. NRS 279.422 is hereby amended to read as follows:

279.422 It is further found and declared that [blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, and that such areas may be characterized by one or more of the conditions enumerated in NRS 279.388.] *:*

1. Redevelopment will stimulate residential and commercial construction which is closely correlated with general economic activity; and

2. Undertakings authorized by the Community Redevelopment Law will:

(a) Assist in the production of better housing and commercial development and a more desirable development of stable neighborhoods and communities at lower costs; and

(b) Provide a greater volume of residential and commercial construction, which will assist substantially in maintaining full employment.".

Amend the bill as a whole by renumbering sec. 3 as sec. 16 and adding new sections designated sections 13 through 15, following sec. 2, to read as follows:

"Sec. 13. NRS 279.444 is hereby amended to read as follows:

279.444 1. As an alternative to the appointment of five members of the agency, the legislative body , may, at the time of the adoption of a resolution pursuant to NRS 279.428, or at any time thereafter, declare itself to be the agency, in which case, all the rights, powers, duties, privileges and immunities vested by NRS 279.382 to 279.685, inclusive, in an agency are vested in the legislative body of the community. If the legislative body of a city declares itself to be the agency pursuant to this subsection, it may include the mayor of the city as part of the agency regardless of whether *or not* he is a member of the legislative body. *In addition, the mayor of a city or the chairman of a board of county commissioners, with the approval of the legislative body, shall appoint a citizens' advisory board consisting of residents and owners of property in the community to advise the agency.*

2. A city may enact its own procedural ordinance and exercise the powers granted by NRS 279.382 to 279.685, inclusive.

[3. An agency is authorized to delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which that community is authorized to act, and that community may carry out or perform those powers or functions for the agency.]

Sec. 14. NRS 279.476 is hereby amended to read as follows:

279.476 *1.* An agency may operate a rehousing bureau to assist site occupants in obtaining adequate [temporary or permanent housing. It] *housing and places of business and* may incur any necessary expenses for [this] *that* purpose.

2. The housing or place of business selected by the bureau must be:

(a) Decent, safe and sanitary;

(b) Comparable in price and size to the housing or place of business that was acquired for redevelopment; and

(c) Reasonably accessible to local services.

3. The bureau shall not select any housing or place of business that does not meet the requirements set forth in subsection 2 regardless of the condition of the housing or place of business of the occupant at the time it was acquired for redevelopment.

4. The bureau shall pay the costs related to the replacement of the housing and places of business and the relocation of the occupants.

Sec. 15. NRS 279.478 is hereby amended to read as follows:

279.478 1. An agency shall provide assistance for relocation and shall make all of the payments required [in] *by chapter 342 of NRS and the* regulations adopted by the director of the department of transportation pursuant [to NRS 342.005] *thereto* for programs or projects for which federal financial assistance is received to pay all or any part of the cost of that program or project.

2. This section does not limit any other authority which an agency may have to make other payments for assistance for relocation or to make any payment for that assistance which exceeds the amount authorized in regulations adopted by the director of the department of transportation pursuant to *chapter 342 of* NRS . [342.105.]".

Amend sec. 3, page 2, line 4, by deleting "inclusive." and inserting: "inclusive [.] , *including, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.*".

Amend the bill as a whole by renumbering sections 4 through 7 as sections 18 through 21 and adding a new section designated sec. 17, following sec. 3, to read as follows:

"Sec. 17. NRS 279.566 is hereby amended to read as follows:

279.566 1. Every redevelopment plan must provide for the participation in the redevelopment of property in the redevelopment area by the owners of all or part of that property . [if] *If* the owners agree to participate in conformity with the redevelopment plan adopted by the legislative body for the area [.] , *the agency may establish a plan that provides incentives, including, without limitation, financing, to assist an owner in complying with the plan.*

2. With respect to each redevelopment area, each agency shall, before the adoption of the redevelopment plan, adopt and make available for public inspection rules to implement the operation of this section in connection with that plan.

3. Every redevelopment plan must contain [alternative] provisions for redevelopment of the property if the owners fail to participate in the redevelopment . [as agreed.]".

Amend sec. 6, page 4, line 30, by deleting: "*July 1, 1997,*" and inserting: "*November 5, 1996,*".

Amend sec. 6, page 4, line 36, by deleting: "*July 1, 1997,*" and inserting: "*November 5, 1996,*".

Amend the bill as a whole by renumbering sections 8 through 12 as sections 24 through 28 and adding new sections designated sections 22 and 23, following sec. 7, to read as follows:

"Sec. 22. NRS 342.045 is hereby amended to read as follows:

342.045 Before undertaking a project that will result in the displacement of a natural person or a business, each governmental body , *or person acting on its behalf or under contract or in cooperation with it,* shall adopt policies pursuant to NRS 342.015 to 342.075, inclusive, to provide relocation assistance and make relocation payments to each person , *whether an owner or a tenant, who is* displaced from his dwelling or business establishment as a result of the acquisition of property in a manner substantially similar to and in amounts equal to or greater than those which are provided for in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655, and the regulations adopted pursuant thereto.

Sec. 23. NRS 342.055 is hereby amended to read as follows:

342.055 1. In addition to the relocation benefits provided pursuant to NRS 342.045, each person who is displaced from his business establishment as a result of the acquisition of property by an agency created pursuant to chapter 279 of NRS or by any person or entity acting on behalf of, in cooperation with or under contract with such an agency, and whose lease of the premises on which the establishment is situated is terminated as a consequence of the acquisition, must be paid:

(a) The actual, reasonable and necessary costs of alterations and other physical changes that are required to be made to a new location to render it suitable for the operation of the business;

(b) The actual, reasonable and necessary costs of modifications made to machinery, equipment and other personal property moved to the new location which were necessary for the operation of the business, except that [such] *those* costs must not exceed the acquisition cost of the machinery, equipment and other personal property less accumulated depreciation;

(c) The prorated fees for any licenses, permits or certifications that must be obtained for the business to operate in the new location;

(d) The actual, reasonable and necessary fees for professional services incurred in connection with the acquisition of a replacement site, including the services of architects, appraisers, attorneys, engineers, realtors and other consultants; and

(e) A sum equal to:

(1) An amount which, when added to the amount that the tenant formerly paid in rent, will enable him to rent or lease a comparable business location on the current market for a term equal to the period that would have remained on his lease if it had not been terminated as a result of the acquisition of the property or 3 years, whichever is greater; or

(2) The fair market value of the business as determined in accordance with subsection 6 of NRS 37.009 if the business owner is unable to relocate his business establishment to a comparable new location because of the

operation of a governmental ordinance, regulation or restriction or because a comparable business location is not available.

2. [The provisions of this section do not apply to month-to-month tenancies.

3.] The provisions of this section do not apply to a business which executes an initial lease within 1 year before the approval of a development agreement or other similar action of a governmental body identifying the property that will be acquired, unless the business is renewing a lease on a site that it has occupied for more than 1 year before the identification of the property that will be acquired.

[4.] *3.* A governmental body may adopt ordinances or regulations or take any other appropriate action which allows a business to be relocated to a comparable business location.

[5.] *4.* As used in this section, "comparable business location" means a location that is decent, safe and sanitary, adequate in size for the needs of the displaced business, functionally equivalent for the purposes of the displaced business and located in an area not subject to unreasonably adverse environmental conditions.

[6. Nothing contained in this section requires]

5. This section does not require a governmental body to relocate a business to a location in a redevelopment area or an area similar to a redevelopment area, or to provide the benefits that a location in a redevelopment area would provide.".

Amend the bill as a whole by renumbering sections 13 and 14 as sections 32 and 33 and adding new sections designated sections 29 through 31, following sec. 12, to read as follows:

"Sec. 29. Section 13 of Senate Bill No. 414 of this session is hereby amended to read as follows:

Sec. 13. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the state, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not

include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the state and becomes exempt from taxation, the assessed valuation of the exempt property as shown on that assessment roll must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) [,] *and section 3 of this act,* that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by the last equalized assessment roll referred to in paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 278.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a) or (b) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

Sec. 30. Section 14 of Senate Bill No. 414 of this session is hereby amended to read as follows:

Sec. 14. NRS 354.59811 is hereby amended to read as follows:

354.59811 Except as otherwise provided in NRS 350.087, 354.59813, 354.59815, 354.5982, 354.5987, 354.59871, 354.705, 450.425 and 543.600, *and section 3 of this act,* for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies, or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as a general or medium-term obligation of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

1. The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of

minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

2. This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

Sec. 31. The amendatory provisions of section 20 of this act do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a redevelopment agency, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.".

Amend sec. 13, page 15, line 1, by deleting "NRS" and inserting "1. NRS".

Amend sec. 13, page 15, line 11, by deleting "361B.260,".

Amend sec. 13, page 15, between lines 12 and 13, by inserting:

"2. NRS 361B.260 is hereby repealed.".

Amend sec. 14, page 15, by deleting lines 13 and 14 and inserting:

"Sec. 33. 1. This section and sections 1 to 31, inclusive, and subsection 1 of section 32 of this act become effective on June 30, 1997.

2. Subsection 2 of section 32 of this act becomes effective at 12:01 a.m. on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to redevelopment; revising provisions for community redevelopment; restricting the exercise of the power of eminent domain; providing for the termination of redevelopment plans; requiring each proposal for a redevelopment project instead of the redevelopment plan to include an employment plan; prohibiting a redevelopment agency from issuing securities and incurring debt to finance a redevelopment plan beyond 20 years after the date on which the plan is adopted; prohibiting the use for redevelopment of certain portions of taxes approved by the voters of a taxing agency for the repayment of bonded indebtedness or attributable to a new or

increased tax rate; removing the limitation on the total revenue paid to all redevelopment agencies of a municipality; extending the protection of tenants in relocation; repealing the provisions governing tax increment areas and urban renewal; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of Amendment No. 1211 to Senate Bill No. 312.

Remarks by Assemblymen Bache, Herrera, Ernaut and Giunchigliani.

Amendment withdrawn.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 1245.

Amend the bill as a whole by renumbering sections 1 through 12 as sections 2 through 13 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An agency shall not exercise the power of eminent domain for redevelopment unless it makes a written finding that the general public, as the primary beneficiary, will receive and enjoy specific and substantial benefits from the use of the property to be taken.*

2. Upon the petition of a person who has a legal interest in the real property for which the agency seeks to exercise eminent domain, the district court shall review the decision to exercise eminent domain de novo and shall not rely on the findings of the agency. Any final order entered by the district court must include written findings of fact and conclusions of law to support the order.".

Amend the bill as a whole by renumbering sections 13 and 14 as sections 18 and 19 and adding new sections designated sections 14 through 17, following sec. 12, to read as follows:

"Sec. 14. Section 43 of Assembly Bill No. 644 of this session is hereby amended to read as follows:

Sec. 43. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 4, the department shall certify monthly to the state board of examiners the amount of the basic and supplemental privilege taxes collected for each county by the department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental privilege tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.045 and 371.047.

3. The distribution of the basic privilege tax within a county must be made to local governments, as defined in NRS 354.474, except redevelopment agencies, in the same ratio as all property taxes were levied

in the county in the previous fiscal year, but the State of Nevada is not entitled to share in that distribution and at least 5 percent of the basic privilege tax disbursed to a county must be deposited for credit to the county's general fund. *The 5 percent must be calculated in the same manner as the commission calculated for the department of motor vehicles and public safety.* For the purpose of this subsection, the taxes levied by each local government are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. An amount equal to any basic privilege tax distributed to a redevelopment agency in the fiscal year 1987-1988 must continue to be distributed to that agency or area as long as it exists but must not be increased.

5. Local governments, other than incorporated cities, are entitled to receive no distribution of basic privilege tax if the distribution to the local government is less than $100. Any undistributed money accrues to the county general fund of the county in which the local government is located.

6. The department shall make distributions of basic privilege tax directly to counties, county school districts and incorporated cities. Distributions for other local governments within a county must be paid to the counties for distribution to the other local governments.

Sec. 15. Section 48 of Assembly Bill No. 644 of this session is hereby amended to read as follows:

Sec. 48. Section 8 of chapter 590, Statutes of Nevada 1995, at page 2183, is hereby amended to read as follows:

Sec. 8. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection [4,] *5,* the department shall certify monthly to the state board of examiners the amount of the basic and supplemental privilege taxes collected for each county by the department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental privilege tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.045.

3. The distribution of the basic privilege tax within a county must be made to local governments, as defined in NRS 354.474, except

redevelopment agencies, in the same ratio as all property taxes were levied in the county in the previous fiscal year, but the State of Nevada is not entitled to share in that distribution and at least 5 percent of the basic privilege tax disbursed to a county must be deposited for credit to the county's general fund. The 5 percent must be calculated in the same manner as the commission calculated for the department of motor vehicles and public safety. For the purpose of this subsection, the taxes levied by each local government are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. *The tax rate for the fiscal year beginning on July 1, 1980, of an unincorporated town created after July 1, 1980, for which the Nevada tax commission establishes the allowed revenue from taxes ad valorem or basic ad valorem revenue pursuant to subsection 4 of NRS 354.5987 shall be deemed to be the average tax rate levied for the fiscal year beginning on July 1, 1980, by other unincorporated towns included in the same common levy authorized by NRS 269.5755 which were in existence on July 1, 1980.*

5. An amount equal to any basic privilege tax distributed to a redevelopment agency in the fiscal year 1987-1988 must continue to be distributed to that agency or area as long as it exists but must not be increased.

[5.] *6.* Local governments, other than incorporated cities, are entitled to receive no distribution of basic privilege tax if the distribution to the local government is less than $100. Any undistributed money accrues to the county general fund of the county in which the local government is located.

[6.] *7.* The department shall make distributions of basic privilege tax directly to counties, county school districts and incorporated cities. Distributions for other local governments within a county must be paid to the counties for distribution to the other local governments.

Sec. 16. Section 13 of Senate Bill No. 414 of this session is hereby amended to read as follows:

Sec. 13. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area

each year by or for the benefit of the state, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the state and becomes exempt from taxation, the assessed valuation of the exempt property as shown on that assessment roll must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) [,] *and in section 3 of this act,* that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by the last equalized assessment roll referred to in paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 278.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after July 1, 1997, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after July 1, 1997, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a) or (b) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

Sec. 17. Section 14 of Senate Bill No. 414 of this session is hereby amended to read as follows:

Sec. 14. NRS 354.59811 is hereby amended to read as follows:

354.59811 Except as otherwise provided in NRS 350.087, 354.59813, 354.59815, 354.5982, 354.5987, 354.59871, 354.705, 450.425 and 543.600, *and section 3 of this act,* for each fiscal year

beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies, or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as a general or medium-term obligation of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

1. The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

2. This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.".

Amend sec. 13, page 15, line 1, by deleting "NRS" and inserting "1. NRS".

Amend sec. 13, page 15, line 11, by deleting "361B.260,".

Amend sec. 13, page 15, between lines 12 and 13, by inserting:

"2. NRS 361B.260 is hereby repealed.".

Amend sec. 14, page 15, by deleting lines 13 and 14 and inserting:

"Sec. 19. 1. This section and sections 1 to 17, inclusive, and subsection 1 of section 18 of this act become effective on June 30, 1997.

2. Subsection 2 of section 18 of this act becomes effective at 12:01 a.m. on July 1, 1997.".

Amend the title of the bill, first line, after "redevelopment;" by inserting: "revising provisions regarding exercise of eminent domain;".

Assemblywoman Giunchigliani moved the adoption of Amendment No. 1245 to Senate Bill No. 312.

Remarks by Assemblymen Giunchigliani, Herrera, Carpenter, Ernaut, Price, Ohrenschall, Bache and Krenzer.

Assemblymen Price, Carpenter and Amodei requested a roll call on the motion to adopt Amendment No. 1245 to Senate Bill No. 312.

Roll call on the adoption of Amendment No. 1245 to Senate Bill No. 312:

YEAS — 15.

NAYS — Anderson , Arberry, Berman, Chowning, Close, Collins, de Braga, Dini, Ernaut, Evans, Goldwater, Herrera, Hettrick, Hickey, Humke, Koivisto, Krenzer, Lee, Manendo, Marvel, Neighbors, Ohrenschall, Parks, Perkins, Sandoval, Segerblom — 26.

Absent— Freeman.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

The following amendment was proposed by Assemblymen Lambert and Williams:

Amendment No. 1215.

Amend sec. 3, page 2, line 4, by deleting "inclusive." and inserting: "inclusive [.] , *including, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.*".

Amend sec. 6, page 4, line 30, by deleting: "*July 1, 1997,*" and inserting: "*November 5, 1996,*".

Amend sec. 6, page 4, line 36, by deleting: "*July 1, 1997,*" and inserting: "*November 5, 1996,*".

Amend the bill as a whole by renumbering sections 13 and 14 as sections 16 and 17 and adding new sections designated sections 13 through 15, following sec. 12, to read as follows:

"Sec. 13. Section 13 of Senate Bill No. 414 of this session is hereby amended to read as follows:

Sec. 13. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the state, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as

taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the state and becomes exempt from taxation, the assessed valuation of the exempt property as shown on that assessment roll must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) [,] *and section 3 of this act,* that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by the last equalized assessment roll referred to in paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 278.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or

after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a) or (b) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

Sec. 14. Section 14 of Senate Bill No. 414 of this session is hereby amended to read as follows:

Sec. 14. NRS 354.59811 is hereby amended to read as follows:

354.59811 Except as otherwise provided in NRS 350.087, 354.59813, 354.59815, 354.5982, 354.5987, 354.59871, 354.705, 450.425 and 543.600, *and section 3 of this act,* for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies, or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as a general or medium-term obligation of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

1. The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the

central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

2. This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

Sec. 15. The amendatory provisions of section 6 of this act do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a redevelopment agency, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.".

Amend sec. 13, page 15, line 1, by deleting "NRS" and inserting "1. NRS".

Amend sec. 13, page 15, line 11, by deleting "361B.260,".

Amend sec. 13, page 15, between lines 12 and 13, by inserting:

"2. NRS 361B.260 is hereby repealed.".

Amend sec. 14, page 15, by deleting lines 13 and 14 and inserting:

"Sec. 17. 1. This section and sections 1 to 15, inclusive, and subsection 1 of section 16 of this act become effective on June 30, 1997.

2. Subsection 2 of section 16 of this act becomes effective at 12:01 a.m. on July 1, 1997.".

Assemblyman Williams moved the adoption of the Amendment No. 1215 to Senate Bill No. 312.

Remarks by Assemblymen Williams, Lambert, Ernaut and Krenzer.

Amendment adopted.

The following amendment was proposed by Assemblymen Bache and Giunchigliani:

Amendment No. 1212.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 10 and 11 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. The governing body of each municipality in which an urban renewal agency was transacting business or exercising powers on September 30, 1997, shall provide by ordinance for the transfer of the agency's facilities, records and personnel to the municipality.*

2. The repeal of NRS 279.370 does not affect any legal action, contract or obligation of the agency. The municipality is substituted for the agency and for the purpose of the action, contract or obligation shall be deemed a continuation of the agency.

3. As used in this section, "municipality" means any county, incorporated city or town in this state.

Sec. 3. *"Slum" means an area characterized by buildings or improvements, whether or not residential, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, air, sanitation or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety and welfare.*

Sec. 4. *1. An agency may create one or more residential plans for areas within the redevelopment area. Each area must be conterminous with a census tract. The agency may create an advisory council for redevelopment in each area so created. Such a council may propose its plan for redevelopment of the area, including preservation of the neighborhood, to the agency.*

2. The agency may include in its budget money for use by an advisory council to carry out the plan of the council.

Sec. 5. NRS 279.382 is hereby amended to read as follows:

279.382 The provisions contained in NRS 279.382 to 279.685, inclusive, *and sections 3 and 4 of this act* may be cited as the Community Redevelopment Law.

Sec. 6. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, *and sections 3 and 4 of this act,* unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, *and section 3 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 279.388 is hereby amended to read as follows:

279.388 "Blighted area" means an area which is characterized by one or more of the following factors:

1. The existence of buildings and structures, used or intended to be used for residential, commercial, industrial or other purposes, or any combination thereof, which are unfit or unsafe for those purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime because of *:* [one or more of the following factors:]

(a) Defective design and character of physical construction *;* [.]

(b) Faulty arrangement of the interior and spacing of buildings *;* [.]

(c) Overcrowding *;* [.]

(d) Inadequate provision for ventilation, light, sanitation, open spaces and recreational facilities *;* [.]

(e) Age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses [.] *; or*

(f) Any combination of the factors set forth in paragraphs (a) to (e), inclusive, which impairs or arrests the sound growth of a community, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety or welfare in its present condition and use.

2. An economic dislocation, deterioration or disuse, resulting from faulty planning.

3. The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

4. The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions [.

5. The] *, or faulty in size, accessibility or usefulness.*

5. An area characterized by the existence of inadequate streets, open spaces and utilities.

6. The existence of lots or other areas which may be submerged.

7. Prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

8. A growing or total lack of proper utilization of some parts of the area, resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare.

9. A loss of population and a reduction of proper use of some parts of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

10. Delinquency of taxes or special assessments exceeding the fair market value of the land.

11. Defective or unusual conditions of title.

12. The existence of conditions which endanger life or property by fire or other causes.

Sec. 8. NRS 279.408 is hereby amended to read as follows:

279.408 1. "Redevelopment" means the planning, development, *preservation,* replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of all or part of a redevelopment area, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including:

(a) Recreational and other facilities appurtenant thereto.

(b) The alteration, improvement, modernization, reconstruction or rehabilitation, or any combination thereof, of existing structures in a redevelopment area.

(c) Provision for uses involving open space, such as:

(1) Streets and other public grounds;

(2) Space around buildings, structures and improvements;

(3) Improvements of recreational areas; and

(4) Improvement of other public grounds.

(d) The replanning, redesign or original development of undeveloped areas where:

(1) The areas are stagnant or used improperly because of defective or inadequate layouts of streets, faulty layouts of lots in relation to size, shape, accessibility or usefulness, or for other causes; or

(2) The areas require replanning and assembly of land for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency or other reasons.

2. "Redevelopment" does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area.

Sec. 9. NRS 279.422 is hereby amended to read as follows:

279.422 It is further found and declared that [blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, and that such areas may be characterized by one or more of the conditions enumerated in NRS 279.388.] *:*

1. Redevelopment will stimulate residential and commercial construction which is closely correlated with general economic activity; and

2. Undertakings authorized by the Community Redevelopment Law will:

(a) Assist in the production of better housing and commercial development and a more desirable development of stable neighborhoods and communities at lower costs; and

(b) Provide a greater volume of residential and commercial construction, which will assist substantially in maintaining full employment.".

Amend the bill as a whole by renumbering sec. 3 as sec. 15 and adding new sections designated sections 12 through 14, following sec. 2, to read as follows:

"Sec. 12. NRS 279.444 is hereby amended to read as follows:

279.444 1. As an alternative to the appointment of five members of the agency, the legislative body , may, at the time of the adoption of a resolution pursuant to NRS 279.428, or at any time thereafter, declare itself to be the agency, in which case, all the rights, powers, duties, privileges and immunities vested by NRS 279.382 to 279.685, inclusive, in an agency are vested in the legislative body of the community. If the legislative body of a city declares itself to be the agency pursuant to this subsection, it may include the mayor of the city as part of the agency regardless of whether *or not* he is a member of the legislative body. *In addition, the mayor of a city or the chairman of a board of county commissioners, with the approval of the legislative body, shall appoint a citizens' advisory board consisting of residents and owners of property in the community to advise the agency.*

2. A city may enact its own procedural ordinance and exercise the powers granted by NRS 279.382 to 279.685, inclusive.

[3. An agency is authorized to delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which that community is authorized to act, and that community may carry out or perform those powers or functions for the agency.]

Sec. 13. NRS 279.476 is hereby amended to read as follows:

279.476 *1.* An agency may operate a rehousing bureau to assist site occupants in obtaining adequate [temporary or permanent housing. It] *housing and places of business and* may incur any necessary expenses for [this] *that* purpose.

2. The housing or place of business selected by the bureau must be:

(a) Decent, safe and sanitary;

(b) Comparable in price and size to the housing or place of business that was acquired for redevelopment; and

(c) Reasonably accessible to local services.

3. The bureau shall not select any housing or place of business that does not meet the requirements set forth in subsection 2 regardless of the condition of the housing or place of business of the occupant at the time it was acquired for redevelopment.

4. The bureau shall pay the costs related to the replacement of the housing and places of business and the relocation of the occupants.

Sec. 14. NRS 279.478 is hereby amended to read as follows:

279.478 1. An agency shall provide assistance for relocation and shall make all of the payments required [in] *by chapter 342 of NRS and the* regulations adopted by the director of the department of transportation pursuant [to NRS 342.005] *thereto* for programs or projects for which federal financial assistance is received to pay all or any part of the cost of that program or project.

2. This section does not limit any other authority which an agency may have to make other payments for assistance for relocation or to make any payment for that assistance which exceeds the amount authorized in regulations adopted by the director of the department of transportation pursuant to *chapter 342 of* NRS . [342.105.]".

Amend sec. 3, page 2, line 4, by deleting "inclusive." and inserting: "inclusive [.] , *including, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.*".

Amend the bill as a whole by renumbering sections 4 through 7 as sections 17 through 20 and adding a new section designated sec. 16, following sec. 3, to read as follows:

"Sec. 16. NRS 279.566 is hereby amended to read as follows:

279.566 1. Every redevelopment plan must provide for the participation in the redevelopment of property in the redevelopment area by the owners of all or part of that property . [if] *If* the owners agree to participate in conformity with the redevelopment plan adopted by the legislative body for the area [.] , *the agency may establish a plan that provides incentives, including, without limitation, financing, to assist an owner in complying with the plan.*

2. With respect to each redevelopment area, each agency shall, before the adoption of the redevelopment plan, adopt and make available for public inspection rules to implement the operation of this section in connection with that plan.

3. Every redevelopment plan must contain [alternative] provisions for redevelopment of the property if the owners fail to participate in the redevelopment . [as agreed.]".

Amend sec. 6, page 4, line 30, by deleting: "*July 1, 1997,*" and inserting: "*November 5, 1996,*".

Amend sec. 6, page 4, line 36, by deleting: "*July 1, 1997,*" and inserting: "*November 5, 1996,*".

Amend the bill as a whole by renumbering sections 8 through 12 as sections 23 through 27 and adding new sections designated sections 21 and 22, following sec. 7, to read as follows:

"Sec. 21. NRS 342.045 is hereby amended to read as follows:

342.045 Before undertaking a project that will result in the displacement of a natural person or a business, each governmental body , *or person acting on its behalf or under contract or in cooperation with it,* shall adopt policies pursuant to NRS 342.015 to 342.075, inclusive, to provide relocation assistance and make relocation payments to each person , *whether an owner or a tenant, who is* displaced from his dwelling or business establishment as a result of the acquisition of property in a manner substantially similar to and in amounts equal to or greater than those which are provided for in the federal Uniform Relocation Assistance and Real Property Acquisition

Policies Act of 1970, 42 U.S.C. §§ 4601-4655, and the regulations adopted pursuant thereto.

Sec. 22. NRS 342.055 is hereby amended to read as follows:

342.055 1. In addition to the relocation benefits provided pursuant to NRS 342.045, each person who is displaced from his business establishment as a result of the acquisition of property by an agency created pursuant to chapter 279 of NRS or by any person or entity acting on behalf of, in cooperation with or under contract with such an agency, and whose lease of the premises on which the establishment is situated is terminated as a consequence of the acquisition, must be paid:

(a) The actual, reasonable and necessary costs of alterations and other physical changes that are required to be made to a new location to render it suitable for the operation of the business;

(b) The actual, reasonable and necessary costs of modifications made to machinery, equipment and other personal property moved to the new location which were necessary for the operation of the business, except that [such] *those* costs must not exceed the acquisition cost of the machinery, equipment and other personal property less accumulated depreciation;

(c) The prorated fees for any licenses, permits or certifications that must be obtained for the business to operate in the new location;

(d) The actual, reasonable and necessary fees for professional services incurred in connection with the acquisition of a replacement site, including the services of architects, appraisers, attorneys, engineers, realtors and other consultants; and

(e) A sum equal to:

(1) An amount which, when added to the amount that the tenant formerly paid in rent, will enable him to rent or lease a comparable business location on the current market for a term equal to the period that would have remained on his lease if it had not been terminated as a result of the acquisition of the property or 3 years, whichever is greater; or

(2) The fair market value of the business as determined in accordance with subsection 6 of NRS 37.009 if the business owner is unable to relocate his business establishment to a comparable new location because of the operation of a governmental ordinance, regulation or restriction or because a comparable business location is not available.

2. [The provisions of this section do not apply to month-to-month tenancies.

3.] The provisions of this section do not apply to a business which executes an initial lease within 1 year before the approval of a development agreement or other similar action of a governmental body identifying the property that will be acquired, unless the business is renewing a lease on a site that it has occupied for more than 1 year before the identification of the property that will be acquired.

[4.] *3.* A governmental body may adopt ordinances or regulations or take any other appropriate action which allows a business to be relocated to a comparable business location.

[5.] *4.* As used in this section, "comparable business location" means a location that is decent, safe and sanitary, adequate in size for the needs of the displaced business, functionally equivalent for the purposes of the displaced business and located in an area not subject to unreasonably adverse environmental conditions.

[6. Nothing contained in this section requires]

5. This section does not require a governmental body to relocate a business to a location in a redevelopment area or an area similar to a redevelopment area, or to provide the benefits that a location in a redevelopment area would provide.".

Amend the bill as a whole by renumbering sections 13 and 14 as sections 31 and 32 and adding new sections designated sections 28 through 30, following sec. 12, to read as follows:

"Sec. 28. Section 13 of Senate Bill No. 414 of this session is hereby amended to read as follows:

Sec. 13. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the state, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the state and becomes exempt from taxation, the assessed valuation of the exempt property as shown on that assessment roll must be subtracted from the

assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) [,] *and section 3 of this act,* that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by the last equalized assessment roll referred to in paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 278.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a) or (b) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

Sec. 29. Section 14 of Senate Bill No. 414 of this session is hereby amended to read as follows:

Sec. 14. NRS 354.59811 is hereby amended to read as follows:

354.59811 Except as otherwise provided in NRS 350.087, 354.59813, 354.59815, 354.5982, 354.5987, 354.59871, 354.705, 450.425 and 543.600, *and section 3 of this act,* for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies, or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as a general or medium-term obligation of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

1. The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any

decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

2. This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

Sec. 30. The amendatory provisions of section 19 of this act do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a redevelopment agency, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.".

Amend sec. 13, page 15, line 1, by deleting "NRS" and inserting "1. NRS".

Amend sec. 13, page 15, line 11, by deleting "361B.260,".

Amend sec. 13, page 15, between lines 12 and 13, by inserting:

"2. NRS 361B.260 is hereby repealed.".

Amend sec. 14, page 15, by deleting lines 13 and 14 and inserting:

"Sec. 32. 1. This section and sections 1 to 30, inclusive, and subsection 1 of section 31 of this act become effective on June 30, 1997.

2. Subsection 2 of section 31 of this act becomes effective at 12:01 a.m. on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to redevelopment; revising provisions for community redevelopment; providing for the termination of redevelopment plans; requiring each proposal for a redevelopment project instead of the redevelopment plan to include an employment plan; prohibiting a redevelopment agency from issuing securities and incurring debt to finance a redevelopment plan beyond 20 years after the date on which the plan is adopted; prohibiting the use for redevelopment of certain portions of taxes approved by the voters of a taxing agency for the repayment of bonded indebtedness or attributable to a new or increased tax rate; removing the limitation on the total revenue paid to all redevelopment agencies of a municipality; extending the protection of tenants in relocation; repealing the provisions governing tax increment areas and urban renewal; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of Amendment No. 1212 to Senate Bill No. 312.

Remarks by Assemblymen Bache, Giunchigliani and Ernaut.

Amendment adopted.

Assemblywoman Giunchigliani moved that Senate Bill No. 312 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 208:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 482:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 488.

Bill read third time.

Remarks by Assemblymen Anderson and Ohrenschall.

Roll call on Senate Bill No. 488:

YEAS — 36.

NAYS — Arberry, Evans, Giunchigliani, Hickey, Williams — 5.

Excused — Freeman.

Senate Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 82.

The following Senate amendment was read:

Amendment No. 1189.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

The attorney general may appoint and employ an administrative assistant in the unclassified service of the state.".

Amend the title of the bill to read as follows: "An Act relating to the state executive department; authorizing the state treasurer to appoint and employ certain deputies and assistants; authorizing the attorney general to appoint and employ an administrative assistant; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "assistants." and inserting: "assistants, and attorney general to appoint and employ administrative assistant.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 82.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 330.

The following Senate amendment was read:

Amendment No. 1190.

Amend sec. 14, page 10, by deleting lines 32 through 38 and inserting:

"278.380 1. [Upon] *After* receipt of the final map [, the] :

(a) The governing body or planning commission , [shall,] at its next [meeting, or within a period of not more than] *meeting; or*

(b) If authorized by the governing body, the director of planning or other authorized person or agency, within 10 days after the map is [filed with] *accepted as a complete application by* the governing body , [or] planning commission, *the director of planning or other authorized person or agency, shall* approve the map if it conforms to all the requirements of ".

Amend sec. 25, page 20, line 13, by deleting "registered" and inserting "licensed".

Amend sec. 25, page 20, line 20, by deleting "registered" and inserting "licensed".

Amend sec. 28, page 23, line 31, by deleting "registered" and inserting "licensed".

Amend the bill as a whole by adding a new section designated sec. 29, following sec. 28, to read as follows:

"Sec. 29. Sections 25 and 28 of this act become effective at 12:01 a.m. on October 1, 1997.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 330.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 501.

The following Senate amendment was read:

Amendment No. 1191.

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. NRS 280.201 is hereby amended to read as follows:

280.201 1. The funding apportionment plan must exclude the cost of:

(a) Operating and maintaining a county or a branch county jail;

(b) A rural program of resident officers, where applicable; and

(c) Any program of contract services which is totally funded by the contracting agency or entity.

The costs described in paragraphs (a) and (b) are a proper charge against the county. The capital costs of building a county or a branch county jail are the responsibility of the board of county commissioners.

2. If a department operates a program for school crossing guards, each participating political subdivision must pay the cost of operating the positions located within its jurisdiction.

3. The funding apportionment plan must apportion the anticipated costs of operating and maintaining the department, and capital costs, after deducting all anticipated revenue internally generated by the department, among the participating political subdivisions according to the formula developed by the department pursuant to this section.

4. *Except as otherwise provided in subsection 1, an additional tax ad valorem that is levied pursuant to the approval of the voters must be levied at a uniform rate in the unincorporated area of the county and in each participating city.*

5. In developing the formula, the department must divide its budget into the following functional areas:

(a) Activities which are the responsibility of any one of the participating political subdivisions.

(b) Contract services which are performed solely for another agency or entity.

(c) Administrative or supporting activities.

(d) The remaining activities, services or programs are to be allocated to those functional areas which are to be jointly funded by the participating political subdivision.

Contract services which are performed solely for another agency or entity must each be identified as a separate functional area.

[5.] *6.* The department must identify the bureaus, sections, divisions and groups that are assigned to each functional area. Each functional area must be a separate accounting unit within the budget of the department for the purpose of apportioning the cost among the participating political subdivisions.

[6.] *7.* The costs of the activities of administration or support must be allocated to the other functional area to which they apply in the ratio that the cost of each functional area bears to the combined costs of the other functional areas.

[7.] *8.* The costs of each functional area which is to be jointly funded, including the administrative and support costs allocated in accordance with subsection 6, must be apportioned among the participating political subdivisions as follows:

(a) The cost of uniformed functions in the field must be apportioned on a percentage basis according to the comparative cumulative, unweighted percentage relationship among the participating political subdivisions of the permanent population of the participating political subdivisions, as determined annually by the governor, the total number of calls for service which were dispatched by the department in each participating political subdivision, excluding:

(1) Calls for service with respect to felony crimes;

(2) Calls for service originating in those areas which were served by a rural program of resident officers; and

(3) Calls for service originating from a program of contract services which is totally funded by the contracting agency or entity,

and the total number of felonies which were reported in each participating political subdivision, excluding reports of felonies originating from a rural program of resident officers or a program of contract services. The number of calls for service and the number of felonies reported must have been made during the 12 months preceding January 1 of the current fiscal year.

(b) The cost of the investigative function must be apportioned on a percentage basis according to the comparative cumulative, unweighted percentage relationship among the participating political subdivisions of the total number of felonies which were reported in each participating political subdivision during the 12 months preceding January 1 of the current fiscal year.

[8.] *9.* For the purpose of subsection [7,] *8,* the population attributable to a county does not include the population of the cities within that county or the population of those areas within that county which are served by a rural program of resident officers.

[9.] *10.* The department shall maintain all of the statistics necessary to effectuate the funding apportionment plan and shall maintain accurate records in support of the determination required in order to comply with this section.

[10.] *11.* If, in the initial year of the merger, the statistics necessary to determine the funding apportionment plan for the remainder of that year are incomplete, the department shall prepare a funding apportionment plan for the remainder of that year based upon the most accurate statistics available, and apply it as closely as possible in the manner prescribed in this section. The fact that a budget, a funding apportionment plan and a rural program of resident officers are not prepared and submitted when due does not invalidate any of them.".

Amend the bill as a whole by renumbering sec. 16 as sec. 21 and adding new sections designated sections 16 through 20, following sec. 15, to read as follows:

"Sec. 16. Section 3 of chapter 817, Statutes of Nevada 1987, at page 2284, is hereby amended to read as follows:

Sec. 3. The board of county commissioners, city council or other governing body of each taxing district in the taxable area shall levy on behalf of its taxing district [, in the manner provided in NRS 354.460,] an ad valorem tax on all taxable property within that taxing district [. The rate of the taxes must be apportioned between the taxing districts, as provided in NRS 280.201, such that the combined rate of the taxes must,] for the fiscal year 1988-1989 and thereafter, except as otherwise provided in section 4 of this act, [be] *at the rate of* 2 cents for every $100 of the total assessed valuation of the taxable area.

Sec. 17. Section 4 of chapter 817, Statutes of Nevada 1987, at page 2284, is hereby amended to read as follows:

Sec. 4. 1. The board of county commissioners, city council or other governing body of each taxing district in the taxable area shall propose to the registered voters of its taxing district at the general election held in 1988 the questions of whether to:

(a) Continue the taxes imposed pursuant to section 3 of this act; and

(b) Increase the [combined] rate of the taxes if the taxes are continued.

2. The increase proposed pursuant to subsection 1 must not be more than 2 cents for each $100 of the total assessed valuation of the taxable area in the fiscal year 1989-1990, 4 cents for each $100 in the fiscal year 1990-1991, and 6 cents for each $100 in each year after the fiscal year 1990-1991.

3. If the voters of any taxing district in the taxable area disapprove the proposed continuation of the taxes, the taxes must not be imposed in the fiscal year 1989-1990 or thereafter. If the proposed continuation and

increase are approved by the voters of each taxing district in the taxable area, the taxes must be collected at the [combined] rate approved by the people.

Sec. 18. Section 3 of chapter 11, Statutes of Nevada 1993, at page 27, is hereby amended to read as follows:

Sec. 3. 1. The board of county commissioners, city council or other governing body of each taxing district in the taxable area shall propose to the registered voters of its taxing district at an election held in conjunction with the regular general city election in 1993 the question of whether an additional ad valorem tax shall be levied on all taxable property within the district for the support of the department for the purpose of employing additional police officers. The rate of the additional tax [must be apportioned among the taxing districts as provided in NRS 280.201, such that the combined rate of the additional tax in all the taxing districts] for each $100 of the total assessed valuation of the taxable area must not be more than 4 cents in fiscal year 1993-1994, 8 cents in fiscal year 1994-1995, 10 cents in fiscal year 1995-1996 and 12 cents in each fiscal year thereafter.

2. If the voters of any taxing district in the taxable area of a department disapprove the additional tax proposed pursuant to subsection 1, the additional tax must not be imposed in any of the taxing districts in the taxable area of that department.

3. If the proposed additional tax is approved by the voters in all of the taxing districts of the taxable area of a department, the tax must be imposed by the taxing entities in each district of the taxable area of the department at the [combined] rate approved by the voters in the district.

Sec. 19. Section 3 of chapter 658, Statutes of Nevada 1995, at page 2535, is hereby amended to read as follows:

Sec. 3. 1. The board of county commissioners, city council or other governing body of each taxing district in the taxable area shall propose to the registered voters of its taxing district at the next county general election the question of whether an additional ad valorem tax shall be levied on all taxable property within the district for the support of the department for the purpose of employing additional police officers. The [rate of the additional tax must be apportioned among the taxing districts as provided in NRS 280.201.] *additional tax must be levied at a uniform rate in the unincorporated area of the county and in each participating city.*

2. The board of county commissioners, city council or other governing body of each taxing district proposing the question at the next county general election of whether an additional ad valorem tax shall be levied pursuant to this act shall place upon the ballot information regarding:

(a) The method to be used for the apportionment of the costs of employing the additional police officers; and

(b) The initial ad valorem tax rate and the method for determining the ad valorem tax rate for each fiscal year.

The ballot must also include a declaration that the additional ad valorem tax rate may change in the future based on changes in the formula for the distribution of the tax and changes in the assessed valuation of taxable property in each taxing district.

3. The rate of the tax levied pursuant to this act must not exceed 20 cents per $100 of assessed valuation.

4. If the voters of any taxing district in the taxable area of a department disapprove the additional tax proposed pursuant to subsection 1, the additional tax must not be imposed in any of the taxing districts in the taxable area of that department.

5. If the proposed additional tax is approved by the voters in all of the taxing districts of the taxable area of a department, the tax must be imposed by the taxing entities in each district of the taxable area of the department at the [combined] rate approved by the voters in the district.

Sec. 20. The taxes levied for the support of each metropolitan police district for the fiscal year 1997-1998 must be apportioned in accordance with this act, and a levy of tax made before July 1, 1997, must be adjusted if necessary for that purpose.".

Amend sec. 16, page 16, by deleting line 34 and inserting:

"Sec. 21. 1. This section and sections 11.5 and 16 to 20, inclusive, of this act become effective on June 30, 1997.

2. Sections 1 to 11, inclusive, and 12 to 15, inclusive, of this act become effective upon passage and approval.".

Amend the title of the bill to read as follows: "An Act relating to financial administration; revising certain provisions governing the investment of proceeds from the bonds issued by the state and local governments; revising the provisions governing the apportionment of certain costs of metropolitan police departments; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises various provisions governing investment of proceeds of certain bonds and apportionment of certain costs of metropolitan police departments. (BDR 30-1176)".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 501.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 508.

The following Senate amendment was read:

Amendment No. 1172.

Amend section 1, page 1, line 2, by deleting "2" and inserting "1.5".

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. *"Community antenna television company" has the meaning ascribed to it in NRS 711.030.*".

Amend sec. 4, page 1, line 11, by deleting "*except any*" and inserting: "*except:*

1. Any".

Amend sec. 4, page 1, line 12, by deleting "*709.270.*" and inserting: "*709.270; or*

2. A term or condition of a franchise granted by:

(a) A county whose population is 400,000 or more, or by an incorporated city that is located in whole or in part within such a county, that requires a community antenna television company to provide channels for public, educational or governmental access.

(b) A county or an incorporated city not specified in paragraph (a) that requires a community antenna television company to provide channels, facilities or equipment for public, educational or governmental access.".

Amend sec. 7, page 2, by deleting line 4 and inserting:

"Sec. 7. *"Public utility" includes:*

1. A person or local government that:".

Amend sec. 7, page 2, line 5, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 7, page 2, line 8, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 7, page 2, line 13, by deleting "*3.*" and inserting "*(c)*".

Amend sec. 7, page 2, between lines 13 and 14, by inserting:

"*2. A community antenna television company as that term is defined in NRS 711.030.*".

Amend sec. 8, page 2, line 17, by deleting "*or*".

Amend sec. 8, page 2, line 19, by deleting "*customers.*" and inserting "*customers; or*".

Amend sec. 8, page 2, between lines 19 and 20, by inserting:

"*3. The amount deducted from the gross revenue of a community antenna television company pursuant to paragraph (b) of subsection 2 of NRS 711.200.*".

Amend sec. 9, page 3, line 2, by deleting "*2*" and inserting "*1.5*".

Amend the bill as a whole by renumbering sec. 14 as sec. 49 and adding new sections designated sections 14 through 48, following sec. 13, to read as follows:

"Sec. 14. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. *1. The governing body of an incorporated city whose population is 25,000 or more:*

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell telecommunications service to the general public.

4. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 16. *The governing body of an incorporated city whose population is 25,000 or more shall not:*

1. Impose any terms or conditions on a franchise for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides telecommunications service or interactive computer service to obtain a franchise if it provides telecommunications service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of telecommunications service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 17. NRS 268.730 is hereby amended to read as follows:

268.730 [Any] *Except as otherwise provided in sections 15 and 16 of this act, any* governing body of a municipality, upon its behalf and in its name, may at any time or from time to time acquire, improve, equip, operate and maintain, within or without or both within and without the municipality:

1. A building project;
2. A cemetery project;
3. A communications project;
4. A drainage project or flood control project;
5. An electric project;
6. A fire protection project;
7. An offstreet parking project;
8. An overpass project;
9. A park project;
10. A recreational project;
11. A refuse project;
12. A sewerage project;
13. A sidewalk project;
14. A street project;
15. A transportation project;
16. An underpass project; and
17. A water project.

Sec. 18. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone and telegraph lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. *The board of county commissioners shall not:*

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunications service or interactive computer service to obtain a franchise if it provides telecommunications service over the telephone or telegraph lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive [, "street railway"] *:*

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on the effective date of this act.

(b) "Street railway" means:

[(a)] *(1)* A system of public transportation operating over fixed rails on the surface of the ground;

[(b)] *(2)* A monorail; or

[(c)] *(3)* Any other overhead or underground system used for public transportation.

The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 19. NRS 709.090 is hereby amended to read as follows:

709.090 If, upon full consideration of all the facts, the board of county commissioners determines that the granting of the franchise is in the best interests of the residents of the county, the board shall , *except as otherwise provided in subsection 2 of NRS 709.050,* fix the terms and prescribe the conditions [under] *pursuant to* which the franchise is to be granted, the character or kinds of service to be rendered, the maximum rates to be charged for the service, and such other matters as may be properly connected therewith, and shall thereupon grant the franchise subject to such terms and conditions.

Sec. 20. NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise [under] *pursuant to* the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of his [, her, their or its] franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which [such] *his* franchise relates.

(b) Keep [such] *the* plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. [The] *Except as otherwise provided in this subsection, the* board of county commissioners [shall,] *may* when granting such franchise, [have authority to so] fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board [shall also have authority to] *may* change the location of any [such] appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public [shall so require.] *requires. The board shall not require a company that provides telecommunications service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.*

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and over public highways [shall] *must* not be less than 30 feet in height, and the wires strung thereon [shall] *must* not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, telegraph or electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where [such] cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association [shall be granted] *may receive* an exclusive franchise nor [shall] *may* any board of county commissioners [have authority to] grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 21. Chapter 710 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a county whose population is 35,000 or more:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the county clerk and made available for public inspection during the business hours of the office of the county clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell telecommunications service to the general public.

4. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 22. Chapter 711 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in NRS 318.1192, 318.1193 and 318.1194:

1. The governing body of a county whose population is 35,000 or more shall not sell the services of a community antenna television system to the general public.

2. The governing body of a city whose population is 25,000 or more shall not sell the services of a community antenna television system to the general public.

Sec. 23. NRS 711.190 is hereby amended to read as follows:

711.190 *1.* Except as otherwise provided in NRS 318.1194:

[1.] *(a)* A city council may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of city property or that portion of the city dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

[2.] *(b)* A county may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of the property of the county or any town in the county or that portion of the county or town dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

2. If a local government grants a franchise to two or more community antenna television companies to construct, maintain or operate a community antenna television system in the same area, the local government shall impose the same terms and conditions on each franchise.

3. A community antenna television company that is granted a franchise pursuant to this section may provide telecommunications service or interactive computer service without obtaining a separate franchise from the local government.

4. A local government that grants a franchise pursuant to this section shall not require the community antenna television company to place its facilities in ducts or conduits or on poles owned or leased by the local government.

5. If a county whose population is 400,000 or more, or an incorporated city located in whole or in part within such a county, grants a franchise pursuant to this section, the term of the franchise must be at least 10 years. If a franchisee notifies such a county or city on or before the end of the eighth year of a franchise that it wishes to extend the franchise, the county or city shall, on or before the end of the ninth year of the franchise, grant an extension of 5 years on the same terms and conditions, unless the franchisee has not substantially complied with the terms and conditions of the franchise agreement.

6. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 24. The charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 287, is hereby amended by adding thereto a new section to be designated as section 2.272, immediately following section 2.270, to read as follows:

Sec. 2.272 Franchises for the provision of telecommunications service. The board shall not:

1. Impose any terms or conditions on a franchise for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides telecommunications service or interactive computer service to obtain a franchise if it provides telecommunications service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of telecommunications service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 25. Section 2.270 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 532, Statutes of Nevada 1971, at page 1112, is hereby amended to read as follows:

Sec. 2.270 Power of board: Provision of utilities. [The]

1. Except as otherwise provided in subsection 2 and section 2.275, the board may:

[1.] *(a)* Provide, by contract, franchise or public enterprise, for any utility to be furnished to Carson City or the residents thereof.

[2.] *(b)* Provide for the construction of any facility necessary for the provision of such utilities.

[3.] *(c)* Fix the rate to be paid for any utility provided by public enterprise.

[4.] *(d)* Provide that any public utility be authorized, for any purpose or object whatever, to install, operate or use within the city mechanical watermeters, or similar mechanical devices, to measure the quantity of water delivered to water users.

2. The board:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the clerk and made available for public inspection during the business hours of the office of the clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunications service to the general public.

5. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 26. Section 6.010 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 425, Statutes of Nevada 1983, at page 1059, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. [The] *Except as otherwise provided in subsection 2 of section 2.270 and section 24 of this act, the* board may acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. Offstreet parking projects;
4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; and
13. Water projects.

Sec. 27. Section 7.020 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 308, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities, facilities and franchises. *Except as otherwise provided in subsection 2 of section 2.270 and section 24 of this act,* Carson City may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they

apply to cities and counties, grant franchises and acquire in any manner any public utility, airport, municipal hall, cemetery, fire station or other public building, park, recreation center and necessary equipment for municipal departments (such acquisitions hereafter sometimes referred to in this article as "facilities" or "projects"), and hold, manage and operate them either alone or jointly with any level of government or instrumentality or subdivision thereof.

Sec. 28. The charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 402, is hereby amended by adding thereto a new section to be designated as section 2.285, immediately following section 2.280, to read as follows:

Sec. 2.285 Franchises for the provision of telecommunications service. The city council shall not:

1. Impose any terms or conditions on a franchise for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides telecommunications service or interactive computer service to obtain a franchise if it provides telecommunications service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of telecommunications service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 29. Section 2.280 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 410, is hereby amended to read as follows:

Sec. 2.280 Powers of city council: Provision of utilities. [The]

1. Except as otherwise provided in subsection 2 and section 2.285, the city council may:

[1.] *(a)* Provide, by contract, franchise or public enterprise, for any utility to be furnished to the city for the residents thereof.

[2.] *(b)* Provide for the construction of any facility necessary for the provision of such utilities.

[3.] *(c)* Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to

which the service is rendered and [shall] *must* be perfected by filing with the county recorder of Clark County a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien [shall:

(a)] *must:*

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

[(b)] *(2)* Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

[(c)] *(3)* Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The city council:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunications service to the general public.

5. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 30. Section 6.010 of the charter of City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 67, Statutes of Nevada 1987, at page 133, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. [The] *Except as otherwise provided in subsection 2 of section 2.280 and section 2.285, the* city council, on behalf of the city and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. Offstreet parking projects;
4. Overpass projects;
5. Park projects;

6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Telephone projects;
12. Transportation projects;
13. Underground and aboveground electric and communication facilities;
14. Underpass projects;
15. Water projects;
16. Upon petition by a person or business authorized to provide the service, such other utility projects as are deemed necessary by the council; and
17. Any combination thereof.

Sec. 31. Section 7.020 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 419, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities. [The] *Except as otherwise provided in subsection 2 of section 2.280 and section 2.285, the* city may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold, manage and operate it either alone or jointly, with any level of government or instrumentality or subdivision thereof.

Sec. 32. The charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 2.315, immediately following section 2.310, to read as follows:

Sec. 2.315 Franchises for the provision of telecommunications service. The city council shall not:

1. Impose any terms or conditions on a franchise for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides telecommunications service or interactive computer service to obtain a franchise if it provides telecommunications service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of telecommunications service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 33. Section 2.300 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1403, is hereby amended to read as follows:

Sec. 2.300 Powers of city council: Provision of utilities. [The]

1. Except as otherwise provided in subsection 2 and section 2.315, the city council may:

[1.] *(a)* Provide, by contract, franchise or public ownership or operation, for any utility to be furnished to the residents of the city.

[2.] *(b)* Provide for the construction and maintenance of any facility which is necessary for the provision of those utilities.

[3.] *(c)* Prescribe, revise and collect rates, fees, tolls and charges, including fees for connection, for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking and no rate, fee, toll or charge for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking may be prescribed, revised, amended, altered, increased or decreased without proceeding as follows:

[(a)] *(1)* There must be filed with the city clerk and available for public inspection schedules of all rates, fees, tolls and charges which the city has established and which are in force at that time for any service which is performed or product which is furnished in connection with any utility which is owned or operated by the city.

[(b)] *(2)* No change may be made in any of those schedules except upon 30 days' notice to the inhabitants of the city and the holding of a public hearing with respect to the proposed change. Notice of the proposed change must be given by at least two publications during the 30-day period before the hearing.

[(c)] *(3)* At the time which is set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

[(d)] *(4)* Every utility which is owned or operated by the city [must] *shall* furnish reasonably adequate service and facilities, and the charges which are made for any service which is or will be rendered, or for any service which is connected with or incidental to any service which is or will be rendered, by the city must be just and reasonable.

[4.] *(d)* Any rate, fee, toll or charge, including any fee for connection which is due for services, facilities or commodities which are furnished by the city or by any utility which is owned or operated by the city pursuant

to this section is a lien upon the property to which the service is rendered. [That lien:

(a)] *The lien:*

(1) Must be perfected by filing with the county recorder of the county a statement by the city clerk in which he states the amount which is due and unpaid and describes the property which is subject to the lien.

[(b)] *(2)* Is coequal with the latest lien upon that property to secure the payment of general taxes.

[(c)] *(3)* Is not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

[(d)] *(4)* Is prior and superior to all liens, claims, encumbrances and titles, other than the liens of assessments and general taxes.

[(e)] *(5)* May be enforced and foreclosed in such manner as may be prescribed by ordinance.

2. The city council:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunications service to the general public.

5. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 34. Section 2.310 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 345, Statutes of Nevada 1993, at page 1101, is hereby amended to read as follows:

Sec. 2.310 Powers of city council: Acquisition or establishment of city utility.

1. [The] *Except as otherwise provided in subsection 2 of section 2.300 and section 2.315, the* city council, on behalf of the city and in its name, may acquire, establish, hold, manage and operate, alone or with any other government or any instrumentality or subdivision of any government, any public utility in the manner which is provided in this section.

2. The city council must adopt a resolution which sets forth fully and in detail:

(a) The public utility which is proposed to be acquired or established.

(b) The estimated cost of that utility, as shown in a recent report, which has been approved by the city council, of an engineer or consulting firm which had previously been appointed by the city council for that purpose.

(c) The proposed bonded indebtedness which must be incurred to acquire or establish that utility, the terms, amount and rate of interest of that indebtedness and the time within which, and the fund from which, that indebtedness is redeemable.

(d) That a public hearing on the advisability of acquiring the public utility will be held at the first regular meeting of the city council after the final publication of the resolution.

3. The resolution must be published in full at least once a week for 4 successive weeks.

4. At the first regular meeting of the city council, or any adjournment of that meeting, after the completion of the publication, the city council may, without an election, enact an ordinance for that purpose, which must conform in all respects to the terms and conditions of the resolution, unless, within 30 days after the final publication of the resolution, a petition is filed with the city clerk which has been signed by a number of registered voters of the city which is not less than 15 percent of the registered voters of the city, as shown by the last preceding registration list, who own not less than 10 percent in assessed value of the taxable property within the city, as shown by the last preceding tax list or assessment roll, and which prays for the submission of the question of the enactment of the proposed ordinance at a special election or the next primary or general municipal election or primary or general state election. Upon the filing of that petition, the proposed ordinance may not be enacted or be effective for any purpose unless, at a special election or primary or general municipal election or primary or general state election, a majority of the votes which are cast in that election are cast in favor of the enactment of the ordinance.

5. A special election may be held only if the city council determines, by a unanimous vote, that an emergency exists. The determination made by the city council is conclusive unless it is shown that the city council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the city council must be commenced within 15 days after the city council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the city council to prevent or mitigate a substantial financial loss to the city or to

enable the city council to provide an essential service to the residents of the city.

6. If the proposed ordinance is adopted, without an election or as a result of an election, the city council may issue bonds to obtain revenue for acquiring or constructing systems, plants, works, instrumentalities and properties which are needed in connection with that public utility.

Sec. 35. Section 6.010 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1417, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. [The] *Except as otherwise provided in subsection 2 of section 2.300 and section 2.315, the* city council, on behalf of the city and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize, in addition to the projects authorized by chapter 271 of NRS:

1. Street lighting projects;
2. Underground electric and communication facilities; and
3. Any combination of those projects.

Sec. 36. The charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 2.285, immediately following section 2.280, to read as follows:

Sec. 2.285 Franchises for the provision of telecommunications service. The city council shall not:

1. Impose any terms or conditions on a franchise for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides telecommunications service or interactive computer service to obtain a franchise if it provides telecommunications service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of telecommunications service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 37. Section 2.280 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465,

Statutes of Nevada 1985, at page 1439, is hereby amended to read as follows:

Sec. 2.280 Powers of city council: Provision of utilities.

1. [The] *Except as otherwise provided in subsection 3 and section 2.285, the* city council may:

(a) Provide, by contract, franchise and public enterprise, for any utility to be furnished to the city for residents located either within or without the city.

(b) Provide for the construction and maintenance of any facilities necessary for the provision of all such utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking. Notwithstanding any provision of this charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking may be prescribed, revised, amended or altered, increased or decreased, without this procedure first being followed:

(1) There must be filed with the city clerk schedules of rates, fees, tolls or charges which must be open to public inspection, showing all rates, fees, tolls or charges which the city has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the city.

(2) No changes may be made in any schedule so filed with the city clerk except upon 30 days' notice to the inhabitants of the city and a public hearing held thereon. Notice of [such a] *the* proposed change or changes must be given by at least two publications in a newspaper published in the city during the 30-day period before the hearing thereon.

(3) At the time set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility operated by the city shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

(d) Provide, by ordinance, for an additional charge to each customer within the city to which water is provided by a utility of up to 25 cents per month. If such a charge is provided for, the city council shall, by ordinance, provide for the expenditure of that money for any purpose relating to the beautification of the city.

2. Any charges due for services, facilities or commodities furnished by the city or by any utility operated by the city [under] *pursuant to* this section is a lien upon the property to which the service is rendered and

must be perfected by filing with the county recorder of Clark County of a statement by the city clerk stating the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

3. The city council:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell telecommunications service to the general public.

6. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 38. Section 6.010 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of Nevada 1983, at page 875, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. [The] *Except as otherwise provided in subsection 3 of section 2.280 and section 2.285, the* city council, on behalf of the city and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. Offstreet parking projects;
4. Overpass projects;
5. Library, park or recreation projects;
6. Sanitary sewer projects;
7. Security walls;

8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; and
13. Water projects.

Sec. 39. Section 7.020 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971 at page 1226, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities. [The] *Except as otherwise provided in subsection 3 of section 2.280 and section 2.285, the* city may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold, manage and operate it, either alone or jointly, with any level of government or instrumentality or subdivision thereof.

Sec. 40. The charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto a new section to be designated as section 2.150, immediately following section 2.140, to read as follows:

Sec. 2.150 Franchises for the provision of telecommunications service. The city council shall not:

1. Impose any terms or conditions on a franchise for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides telecommunications service or interactive computer service to obtain a franchise if it provides telecommunications service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of telecommunications service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 41. Section 2.140 of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 104, Statutes of Nevada 1991, at page 174, is hereby amended to read as follows:

Sec. 2.140 General powers of city council. [The]

1. Except as otherwise provided in subsection 2 and section 2.150, the city council may:

[1.] *(a)* Acquire, control, improve and dispose of any real or personal property for the use of the city, its residents and visitors.

[2.] *(b)* Regulate and impose a license tax for revenue upon all businesses, trades and professions.

[3.] *(c)* Provide grant franchises for public transportation and utilities.

[4.] *(d)* Appropriate money for advertising and publicity and for the support of a municipal band.

[5.] *(e)* Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State of Nevada.

[6.] *(f)* Fix the rate to be paid for any utility service provided by the city as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and is perfected by filing with the county recorder a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

[(a)] *(1)* Coequal with the latest lien upon the property to secure the payment of general taxes.

[(b)] *(2)* Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

[(c)] *(3)* Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The city council:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunications service to the general public.

5. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 42. Section 6.010 of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of Nevada 1983, at page 875, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. [The] *Except as otherwise provided in subsection 2 of section 2.140 and section 2.150, the* city council, on behalf of the city and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. Offstreet parking projects;
4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; and
13. Water projects.

Sec. 43. Section 7.020 of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1980, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities. [The] *Except as otherwise provided in subsection 2 of section 2.140 and section 2.150, the* city may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility and hold, manage and operate it, either alone or jointly, with any level of government or instrumentality of subdivision thereof.

Sec. 44. The charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 724, is hereby amended by adding thereto a new section to be designated as section 2.115, immediately following section 2.110, to read as follows:

Sec. 2.115 Franchises for the provision of telecommunications service. The city council shall not:

1. Impose any terms or conditions on a franchise for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides telecommunications service or interactive computer service to obtain a franchise if it provides telecommunications service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of telecommunications service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 45. Section 2.110 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 732, is hereby amended to read as follows:

Sec. 2.110 Powers of the city council: Provisions for utilities. [The]

1. Except as otherwise provided in subsection 2 and section 2.115, the city council may:

[1.] *(a)* Provide by contract, franchise or public enterprise, for any utility to be furnished to the city for the residents thereof.

[2.] *(b)* Provide for the construction of any facility necessary for the provisions of such utility.

[3.] *(c)* Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and [shall] *must* be performed by filing with the county recorder a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien [shall:

(a)] *must:*

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

[(b)] *(2)* Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

[(c)] *(3)* Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The city council:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunications service to the general public.

5. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on the effective date of this act.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of this act.

Sec. 46. Section 6.010 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 450, Statutes of Nevada 1985, at page 1320, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. [The] *Except as otherwise provided in subsection 2 of section 2.110 and section 2.115, the* city council, on behalf of the city, without any election, may acquire, improve, equip, operate and maintain underground facilities for electricity and communication.

Sec. 47. Section 7.020 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 739, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities. [The] *Except as otherwise provided in subsection 2 of section 2.110 and section 2.115, the* city may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold, manage and operate it, either alone or jointly, with any level of government or instrumentality or subdivision thereof.

Sec. 48. The amendatory provisions of section 11 of this act apply to ordinances adopted after July 1, 1995.".

Amend the title of the bill, eighth line, after "utility;" by inserting: "prohibiting certain local governments from selling telecommunications service or the services of a community antenna television system to the general public; limiting the authority of certain local governments to purchase or construct facilities for providing telecommunications; limiting the authority of certain local governments to impose terms and conditions on franchises for the provision of telecommunications service, interactive computer service or the services of a community antenna television system;".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing authority of certain local governments to regulate and

impose fees on certain utilities and provide services of certain utilities. (BDR 31-909)".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 508.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 576.

The following Senate amendment was read:

Amendment No. 1188.

Amend sec. 2, page 2, line 10, after "inclusive," by inserting: "[and] section 13 of [this act] *Senate Bill No. 473 of this session*".

Amend sec. 6, page 3, line 19, by deleting "5" and inserting "10".

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1997.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 576.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 581.

The following Senate amendment was read:

Amendment No. 1163.

Amend section 1, page 1, by deleting lines 4 through 6 and inserting: "*with, acquire through a subsidiary or affiliate, or otherwise obtain control of a public utility subject to the provisions of NRS 704.005 to 704.751, inclusive, without first*".

Amend section 1, page 1, line 12, by deleting: "*doing business in this state,*" and inserting: "*subject to the provisions of NRS 704.005 to 704.751, inclusive,*".

Amend section 1, page 2, by deleting lines 2 through 5 and inserting: "*a public utility subject to the provisions of NRS 704.005 to 704.751, inclusive, if a transfer of not more than 25 percent of the common stock of such a public utility is proposed.*".

Assemblyman Bache moved that the Assembly concur in Senate Amendment No. 1163 to Assembly Bill No. 581.

Remarks by Assemblyman Bache.

Motion carried.

The following Senate amendment was read:

Amendment No. 1199.

Amend section 1, page 1, by deleting lines 4 through 6 and inserting: "*with, acquire through a subsidiary or affiliate, or otherwise directly or indirectly obtain control of a public utility doing business in this state or an entity that holds a controlling interest in such a public utility without first submitting to the commission an application for*".

Amend section 1, page 1, by deleting line 11 and inserting: "*public utility doing business in this state,*".

Amend section 1, page 2, by deleting lines 2 through 4 and inserting: "*a public utility doing business in this state or to the transfer of the stock of an entity holding a controlling interest in such a public utility, if a transfer of not more than 25 percent of the common stock of such a public utility or entity is proposed.*".

Assemblyman Bache moved that the Assembly concur in Senate Amendment No. 1199 to Assembly Bill No. 581.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 570.

The following Senate amendment was read:

Amendment No. 1194.

Amend sec. 7, page 3, between lines 7 and 8, by inserting: "*The governing body shall provide to each owner of an affected tract of land a copy of the notice served upon the association pursuant to this subsection.*".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 570.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Chowning moved that the Assembly do not recede from its action on Senate Bill No. 430, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Chowning, Amodei and Anderson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 430.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 331, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 15, which is attached to and hereby made a part of this report.

BARBARA E. BUCKLEY	MARK A. JAMES
DARIO HERRERA	MIKE MCGINNESS
MERLE BERMAN	VALERIE WIENER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 15

Amend the bill as a whole by deleting sections 1 through 8 and the preamble of the bill and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Section 8 of Assembly Bill No. 485 of this session is hereby amended to read as follows:

Sec. 8. The amendatory provisions of this act apply to a civil action that is filed on or after the effective date of this act.

Sec. 2. Assembly Bill No. 485 of this session is hereby amended by adding thereto a new section designated sec. 9, following sec. 8, to read as follows:

Sec. 9. This act becomes effective upon passage and approval.

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

Amend the title of the bill to read as follows: "An Act relating to actions concerning persons; changing the effective date of Assembly Bill No. 485 of this session; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Changes effective date of Assembly Bill No. 485 of this session. (BDR S-219)".

Assemblywoman Buckley moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 331.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 208, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

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

BERNIE ANDERSON	MIKE MCGINNESS
CLARENCE COLLINS	ERNEST E. ADLER
BRIAN SANDOVAL	JON C. PORTER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment 21.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is less than 100,000, the board of county commissioners may, in addition to any other fee required by law, impose by ordinance a filing fee of not more than $10 to be paid on the commencement of any action or proceeding in the justices' court for which a fee is required and on the filing of any answer or appearance in any such action or proceeding for which a fee is required.

2. On or before the fifth day of each month, in a county where a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by him during the preceding month for credit to an account for programs for the prevention and treatment of the abuse of alcohol and drugs in the county general fund. The money in that account must be used only to support programs for the prevention or treatment of the abuse of alcohol or drugs which may include, without limitation, any program of treatment for the abuse of alcohol or drugs established in a judicial district pursuant to NRS 453.580.".

Amend section 1, page 2, by deleting lines 10 through 17 and inserting: "in the account must be used only to support a program established [in accordance with] *pursuant to* NRS 3.500 [.] *or 244.1607.*".

Amend the bill as whole by renumbering sections 2 through 5 as sections 4 through 7 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. Chapter 19 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is less than 100,000, the board of county commissioners may, in addition to any other fee required by law, impose by ordinance a filing fee of not more than $10 to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the fifth day of each month, in a county where a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by him during the preceding month for credit to an account for programs for the prevention and treatment of the abuse of alcohol and drugs in the county general fund. The money in that account must be used only to support programs for the prevention or treatment of the abuse of alcohol or drugs

which may include, without limitation, any program of treatment for the abuse of alcohol or drugs established in a judicial district pursuant to NRS 453.580.".

Amend sec. 2, page 2, line 40, by deleting the bracket.

Amend sec. 2, pages 2 and 3 by deleting lines 41 through 44 on page 2 and lines 1 through 3 on page 3 and inserting: "program established [in accordance with] *pursuant to* NRS 3.500 [.] *or 244.1607.*".

Amend the title of the bill to read as follows: "An Act relating to the resolution of disputes; authorizing the increase of fees imposed for the filing of civil actions and responses thereto for the support of certain programs; authorizing the board of county commissioners in smaller counties to impose an additional fee for the filing of civil actions and responses thereto for the support of programs for the prevention or treatment of the abuse of alcohol or drugs; providing for the establishment of neighborhood justice centers in certain additional counties; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting the period and inserting: "and makes various changes concerning fees imposed for filing of civil actions and responses thereto.".

Assemblyman Anderson moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 208.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Perkins moved that the Assembly recess until 4 p.m.

Motion carried.

Assembly in recess at 2:28 p.m.

ASSEMBLY IN SESSION

At 4:46 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Infrastructure, to which was referred Senate Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 14 be taken from the Chief Clerk's desk and re-referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 312 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 312.

Bill read second time.

The following amendment was proposed by Assemblymen Bache and Giunchigliani:

Amendment No. 1212.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 10 and 11 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. The governing body of each municipality in which an urban renewal agency was transacting business or exercising powers on September 30, 1997, shall provide by ordinance for the transfer of the agency's facilities, records and personnel to the municipality.*

2. The repeal of NRS 279.370 does not affect any legal action, contract or obligation of the agency. The municipality is substituted for the agency and for the purpose of the action, contract or obligation shall be deemed a continuation of the agency.

3. As used in this section, "municipality" means any county, incorporated city or town in this state.

Sec. 3. *"Slum" means an area characterized by buildings or improvements, whether or not residential, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, air, sanitation or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety and welfare.*

Sec. 4. *1. An agency may create one or more residential plans for areas within the redevelopment area. Each area must be conterminous with a census tract. The agency may create an advisory council for redevelopment in each area so created. Such a council may propose its plan for redevelopment of the area, including preservation of the neighborhood, to the agency.*

2. The agency may include in its budget money for use by an advisory council to carry out the plan of the council.

Sec. 5. NRS 279.382 is hereby amended to read as follows:

279.382 The provisions contained in NRS 279.382 to 279.685, inclusive, *and sections 3 and 4 of this act* may be cited as the Community Redevelopment Law.

Sec. 6. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, *and sections 3 and 4 of this act,* unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, *and section 3 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 279.388 is hereby amended to read as follows:

279.388 "Blighted area" means an area which is characterized by one or more of the following factors:

1. The existence of buildings and structures, used or intended to be used for residential, commercial, industrial or other purposes, or any combination thereof, which are unfit or unsafe for those purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime because of *:* [one or more of the following factors:]

(a) Defective design and character of physical construction *;* [.]

(b) Faulty arrangement of the interior and spacing of buildings *;* [.]

(c) Overcrowding *;* [.]

(d) Inadequate provision for ventilation, light, sanitation, open spaces and recreational facilities *;* [.]

(e) Age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses [.] *; or*

(f) Any combination of the factors set forth in paragraphs (a) to (e), inclusive, which impairs or arrests the sound growth of a community, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety or welfare in its present condition and use.

2. An economic dislocation, deterioration or disuse, resulting from faulty planning.

3. The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

4. The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions [.

5. The] , *or faulty in size, accessibility or usefulness.*

5. An area characterized by the existence of inadequate streets, open spaces and utilities.

6. The existence of lots or other areas which may be submerged.

7. Prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

8. A growing or total lack of proper utilization of some parts of the area, resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare.

9. A loss of population and a reduction of proper use of some parts of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

10. Delinquency of taxes or special assessments exceeding the fair market value of the land.

11. Defective or unusual conditions of title.

12. The existence of conditions which endanger life or property by fire or other causes.

Sec. 8. NRS 279.408 is hereby amended to read as follows:

279.408 1. "Redevelopment" means the planning, development, *preservation,* replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of all or part of a redevelopment area, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including:

(a) Recreational and other facilities appurtenant thereto.

(b) The alteration, improvement, modernization, reconstruction or rehabilitation, or any combination thereof, of existing structures in a redevelopment area.

(c) Provision for uses involving open space, such as:

(1) Streets and other public grounds;

(2) Space around buildings, structures and improvements;

(3) Improvements of recreational areas; and

(4) Improvement of other public grounds.

(d) The replanning, redesign or original development of undeveloped areas where:

(1) The areas are stagnant or used improperly because of defective or inadequate layouts of streets, faulty layouts of lots in relation to size, shape, accessibility or usefulness, or for other causes; or

(2) The areas require replanning and assembly of land for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency or other reasons.

2. "Redevelopment" does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area.

Sec. 9. NRS 279.422 is hereby amended to read as follows:

279.422 It is further found and declared that [blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, and that such areas may be characterized by one or more of the conditions enumerated in NRS 279.388.] *:*

1. Redevelopment will stimulate residential and commercial construction which is closely correlated with general economic activity; and

2. Undertakings authorized by the Community Redevelopment Law will:

(a) Assist in the production of better housing and commercial development and a more desirable development of stable neighborhoods and communities at lower costs; and

(b) Provide a greater volume of residential and commercial construction, which will assist substantially in maintaining full employment.".

Amend the bill as a whole by renumbering sec. 3 as sec. 15 and adding new sections designated sections 12 through 14, following sec. 2, to read as follows:

"Sec. 12. NRS 279.444 is hereby amended to read as follows:

279.444 1. As an alternative to the appointment of five members of the agency, the legislative body , may, at the time of the adoption of a resolution pursuant to NRS 279.428, or at any time thereafter, declare itself to be the agency, in which case, all the rights, powers, duties, privileges and immunities vested by NRS 279.382 to 279.685, inclusive, in an agency are vested in the legislative body of the community. If the legislative body of a city declares itself to be the agency pursuant to this subsection, it may include the mayor of the city as part of the agency regardless of whether *or not* he is a member of the legislative body. *In addition, the mayor of a city or the chairman of a board of county commissioners, with the approval of the legislative body, shall appoint a citizens' advisory board consisting of residents and owners of property in the community to advise the agency.*

2. A city may enact its own procedural ordinance and exercise the powers granted by NRS 279.382 to 279.685, inclusive.

[3. An agency is authorized to delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which that community is authorized to act, and that community may carry out or perform those powers or functions for the agency.]

Sec. 13. NRS 279.476 is hereby amended to read as follows:

279.476 *1.* An agency may operate a rehousing bureau to assist site occupants in obtaining adequate [temporary or permanent housing. It] *housing and places of business and* may incur any necessary expenses for [this] *that* purpose.

2. The housing or place of business selected by the bureau must be:

(a) Decent, safe and sanitary;

(b) Comparable in price and size to the housing or place of business that was acquired for redevelopment; and

(c) Reasonably accessible to local services.

3. The bureau shall not select any housing or place of business that does not meet the requirements set forth in subsection 2 regardless of the condition of the housing or place of business of the occupant at the time it was acquired for redevelopment.

4. The bureau shall pay the costs related to the replacement of the housing and places of business and the relocation of the occupants.

Sec. 14. NRS 279.478 is hereby amended to read as follows:

279.478 1. An agency shall provide assistance for relocation and shall make all of the payments required [in] *by chapter 342 of NRS and the* regulations adopted by the director of the department of transportation pursuant [to NRS 342.005] *thereto* for programs or projects for which federal financial assistance is received to pay all or any part of the cost of that program or project.

2. This section does not limit any other authority which an agency may have to make other payments for assistance for relocation or to make any payment for that assistance which exceeds the amount authorized in regulations adopted by the director of the department of transportation pursuant to *chapter 342 of* NRS . [342.105.]".

Amend sec. 3, page 2, line 4, by deleting "inclusive." and inserting: "inclusive [.] , *including, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.*".

Amend the bill as a whole by renumbering sections 4 through 7 as sections 17 through 20 and adding a new section designated sec. 16, following sec. 3, to read as follows:

"Sec. 16. NRS 279.566 is hereby amended to read as follows:

279.566 1. Every redevelopment plan must provide for the participation in the redevelopment of property in the redevelopment area by the owners of all or part of that property . [if] *If* the owners agree to participate in conformity with the redevelopment plan adopted by the legislative body for the area [.] , *the agency may establish a plan that provides incentives, including, without limitation, financing, to assist an owner in complying with the plan.*

2. With respect to each redevelopment area, each agency shall, before the adoption of the redevelopment plan, adopt and make available for public

inspection rules to implement the operation of this section in connection with that plan.

3. Every redevelopment plan must contain [alternative] provisions for redevelopment of the property if the owners fail to participate in the redevelopment . [as agreed.]".

Amend sec. 6, page 4, line 30, by deleting: "*July 1, 1997,*" and inserting: "*November 5, 1996,*".

Amend sec. 6, page 4, line 36, by deleting: "*July 1, 1997,*" and inserting: "*November 5, 1996,*".

Amend the bill as a whole by renumbering sections 8 through 12 as sections 23 through 27 and adding new sections designated sections 21 and 22, following sec. 7, to read as follows:

"Sec. 21. NRS 342.045 is hereby amended to read as follows:

342.045 Before undertaking a project that will result in the displacement of a natural person or a business, each governmental body , *or person acting on its behalf or under contract or in cooperation with it,* shall adopt policies pursuant to NRS 342.015 to 342.075, inclusive, to provide relocation assistance and make relocation payments to each person , *whether an owner or a tenant, who is* displaced from his dwelling or business establishment as a result of the acquisition of property in a manner substantially similar to and in amounts equal to or greater than those which are provided for in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655, and the regulations adopted pursuant thereto.

Sec. 22. NRS 342.055 is hereby amended to read as follows:

342.055 1. In addition to the relocation benefits provided pursuant to NRS 342.045, each person who is displaced from his business establishment as a result of the acquisition of property by an agency created pursuant to chapter 279 of NRS or by any person or entity acting on behalf of, in cooperation with or under contract with such an agency, and whose lease of the premises on which the establishment is situated is terminated as a consequence of the acquisition, must be paid:

(a) The actual, reasonable and necessary costs of alterations and other physical changes that are required to be made to a new location to render it suitable for the operation of the business;

(b) The actual, reasonable and necessary costs of modifications made to machinery, equipment and other personal property moved to the new location which were necessary for the operation of the business, except that [such] *those* costs must not exceed the acquisition cost of the machinery, equipment and other personal property less accumulated depreciation;

(c) The prorated fees for any licenses, permits or certifications that must be obtained for the business to operate in the new location;

(d) The actual, reasonable and necessary fees for professional services incurred in connection with the acquisition of a replacement site, including the services of architects, appraisers, attorneys, engineers, realtors and other consultants; and

(e) A sum equal to:

(1) An amount which, when added to the amount that the tenant formerly paid in rent, will enable him to rent or lease a comparable business location on the current market for a term equal to the period that would have remained on his lease if it had not been terminated as a result of the acquisition of the property or 3 years, whichever is greater; or

(2) The fair market value of the business as determined in accordance with subsection 6 of NRS 37.009 if the business owner is unable to relocate his business establishment to a comparable new location because of the operation of a governmental ordinance, regulation or restriction or because a comparable business location is not available.

2. [The provisions of this section do not apply to month-to-month tenancies.

3.] The provisions of this section do not apply to a business which executes an initial lease within 1 year before the approval of a development agreement or other similar action of a governmental body identifying the property that will be acquired, unless the business is renewing a lease on a site that it has occupied for more than 1 year before the identification of the property that will be acquired.

[4.] *3.* A governmental body may adopt ordinances or regulations or take any other appropriate action which allows a business to be relocated to a comparable business location.

[5.] *4.* As used in this section, "comparable business location" means a location that is decent, safe and sanitary, adequate in size for the needs of the displaced business, functionally equivalent for the purposes of the displaced business and located in an area not subject to unreasonably adverse environmental conditions.

[6. Nothing contained in this section requires]

5. This section does not require a governmental body to relocate a business to a location in a redevelopment area or an area similar to a redevelopment area, or to provide the benefits that a location in a redevelopment area would provide.".

Amend the bill as a whole by renumbering sections 13 and 14 as sections 31 and 32 and adding new sections designated sections 28 through 30, following sec. 12, to read as follows:

"Sec. 28. Section 13 of Senate Bill No. 414 of this session is hereby amended to read as follows:

Sec. 13. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the state, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the state and becomes exempt from taxation, the assessed valuation of the exempt property as shown on that assessment roll must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) [,] *and section 3 of this act,* that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by the last equalized assessment roll referred to in paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 278.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a) or (b) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

Sec. 29. Section 14 of Senate Bill No. 414 of this session is hereby amended to read as follows:

Sec. 14. NRS 354.59811 is hereby amended to read as follows:

354.59811 Except as otherwise provided in NRS 350.087, 354.59813, 354.59815, 354.5982, 354.5987, 354.59871, 354.705, 450.425 and 543.600, *and section 3 of this act,* for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies, or a

redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as a general or medium-term obligation of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

1. The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

2. This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

Sec. 30. The amendatory provisions of section 19 of this act do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a redevelopment agency, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.".

Amend sec. 13, page 15, line 1, by deleting "NRS" and inserting "1. NRS".

Amend sec. 13, page 15, line 11, by deleting "361B.260,".

Amend sec. 13, page 15, between lines 12 and 13, by inserting:

"2. NRS 361B.260 is hereby repealed.".

Amend sec. 14, page 15, by deleting lines 13 and 14 and inserting:

"Sec. 32. 1. This section and sections 1 to 30, inclusive, and subsection 1 of section 31 of this act become effective on June 30, 1997.

2. Subsection 2 of section 31 of this act becomes effective at 12:01 a.m. on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to redevelopment; revising provisions for community redevelopment; providing for the termination of redevelopment plans; requiring each proposal for a redevelopment project instead of the redevelopment plan to include an employment plan; prohibiting a redevelopment agency from issuing securities and incurring debt to finance a redevelopment plan beyond 20 years after the date on which the plan is adopted; prohibiting the use for redevelopment of certain portions of taxes approved by the voters of a taxing agency for the repayment of bonded indebtedness or attributable to a new or increased tax rate; removing the limitation on the total revenue paid to all redevelopment agencies of a municipality; extending the protection of tenants in relocation; repealing the provisions governing tax increment areas and urban renewal; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Giunchigliani.

Amendment lost.

Bill ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 137:

YEAS — 39.

NAYS — Evans, Giunchigliani — 2.

Excused — Freeman.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 393 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Lambert.

Assemblywoman Lambert moved that Senate Bill No. 494 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 379.

The following Senate amendment was read:

Amendment No. 1144.

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

"Sec. 12. NRS 271.425 is hereby amended to read as follows:

271.425 1. If [any] *a* tract is divided after a special assessment thereon has been levied and divided into installments and before the collection of all the installments, the governing body may require the treasurer to apportion the uncollected amounts upon the several parts of land so divided.

2. *If two or more tracts are combined or combined and redivided into two or more different tracts after a special assessment thereon has been levied and divided into installments and before the collection of all the installments, the governing body may require the treasurer to combine or combine and reapportion the uncollected amounts upon the part or parts of land that exist after the combination or combination and redivision.*

3. Except to the extent limited in an ordinance that authorizes or otherwise pertains to the issuance of bonds for an improvement district, the governing body may reapportion assessments which have been levied pursuant to this chapter or apportioned pursuant to this section with the unanimous written consent of all the owners of property whose assessments will be increased by the reapportionment. The governing body is not required to obtain the consent of an owner of property whose assessment will not be affected or will be decreased by the reapportionment.

4. Assessments may be combined or reapportioned, or both, pursuant to subsections 2 and 3, only if the governing body finds that the proposed action will not:

(a) Materially or adversely impair the obligation of the municipality with respect to any outstanding bond secured by assessments; or

(b) Increase the principal balance of any assessment to an amount such that the aggregate amount which is assessed against a tract exceeds the minimum benefit to the tract that is estimated to result from the project which is financed by the assessment.

5. The report of [such] an apportionment, *combination or reapportionment pursuant to this section,* when approved [,] *by the governing body,* is conclusive on all the parties, and all assessments thereafter made upon the tracts must be according to the [subdivision.

3.] *apportionment, combination or reapportionment so approved.*

6. The report, when approved, must be recorded in the office of the county recorder together with a statement that the current payment status of any of the assessments may be obtained from the county or municipal officer who has been directed by the governing body to collect the assessment. Neither the failure to record the report as provided in this subsection nor any defect in the report as recorded affects the validity of the assessments, the lien for the payment thereof or the priority of that lien.

Sec. 13. NRS 271.488 is hereby amended to read as follows:

271.488 1. The governing body may issue *one or more series of* bonds to refund *all or any portion of* the outstanding bonds of one or more improvement districts. The bonds must be issued pursuant to the provisions of this chapter and the Local Government Securities Law.

2. For the purposes of the Local Government Securities Law, the bonds issued to refund *all or any portion of* the outstanding bonds of one or more improvement districts shall be deemed special obligations and the assessments shall be deemed net pledged revenues. If the bonds are issued, the governing body shall, by resolution, reduce the rate of interest on the uncollected installments of assessments. The rate of interest must not exceed the amount set forth in NRS 271.415, plus any amount necessary to pay the costs of the refunding.

3. Refinancing bonds issued pursuant to the provisions of this section must be secured by the assessments levied against specifically identified tracts of assessable property and may have any other terms or security that are allowed for any other bonds issued pursuant to the provisions of this chapter, except any bond issued to refund all or any portion of the outstanding bonds of one or more improvement districts must mature within 20 years after the date such a bond is issued.

4. A refunding bond issued pursuant to this section may refund all or any portion of the outstanding bonds of one or more improvement districts and may be secured by a combination of assessments levied on all or a specifically identified portion of the assessed property located within the district or districts.

5. Two or more series of refunding bonds may be issued to refund the outstanding bonds of one or more districts and each series may be secured by assessments levied on different portions of assessed property located within the district or districts whose bonds are outstanding.

6. Except as otherwise provided in subsection 7 or 8, the governing body, in connection with the issuance of refunding bonds pursuant to this section, may amend the assessment ordinance to amend the following terms of all or a portion of the assessments authorized in the ordinance:

(a) The rate of interest the governing body charges on unpaid installments;

(b) Any penalties for prepayment of assessments;

(c) The amounts of unpaid installments;

(d) The principal balance of assessments;

(e) The dates upon which unpaid installments are due;

(f) The number of years over which unpaid installments are due; and

(g) Any other term, if the term, as amended, would comply with the provisions of this chapter.

7. Before a governing body may amend an assessment ordinance to increase the principal and interest of any assessment, the number of years over which unpaid installments are due or the amount of any unpaid installments, it must:

(a) Obtain the written consent of the owner of each tract that would be affected by the proposed amendment to the ordinance; or

(b) Hold a hearing on the proposed amendment and give notice of that hearing in the manner set forth in NRS 271.305. If the owners of the tracts upon which more than one-half of the affected assessments, measured by the unpaid assessment balance, submit written protests to the governing body on or before the date of the hearing, the governing body shall not adopt the proposed amendment to the assessment ordinance.

8. To issue refunding bonds or to amend an assessment ordinance pursuant to this section, the governing body must find that:

(a) The obligation of the municipality will not be materially or adversely impaired with respect to any outstanding bond secured by assessments; and

(b) The principal balance of any assessment will not increase to an amount such that the aggregate amount that is assessed against the tract exceeds the minimum benefit to the tract that is estimated to result from the project that is financed by the assessment and the refunding of the outstanding bonds.".

Amend the title of the bill, third line, after "facilities;" by inserting: "authorizing combinations and reapportionments of special assessments levied on tracts in local improvement districts under certain circumstances; providing for the issuance of bonds to refund all or any portion of the outstanding bonds of one or more improvement districts under certain circumstances; providing for the amendment of assessment ordinances under certain circumstances;".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning local improvement districts. (BDR 21-200)".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 379.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 415.

The following Senate amendment was read:

Amendment No. 1208.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 484.221 is hereby amended to read as follows:

484.221 [1.] The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop [such] *his* vehicle at the scene of [such] *the* accident or *, if his vehicle is obstructing traffic, at a location* as close thereto as possible [,] *that does not obstruct traffic,* and shall forthwith return to and [in every event shall] remain at the scene of [such] *the* accident until he has fulfilled the requirements of NRS 484.223.

[2. Every such stop shall be made without obstructing traffic more than is necessary.]".

Amend section 1, page 1, line 5, by deleting "paved or" and inserting: "paved , [or]".

Amend section 1, page 2, by deleting lines 3 through 11 and inserting:

"(c) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.".

Amend the title of the bill to read as follows: "An Act relating to traffic laws; revising provisions governing the movement of a vehicle that is unattended, disabled or involved in an accident; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing movement of vehicle that is unattended, disabled or involved in an accident. (BDR 43-975)".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 415.

Remarks by Assemblymen Chowning and Perkins.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 536.

The following Senate amendment was read:

Amendment No. 1182.

Amend section 1, page 1, by deleting lines 14 through 16 and inserting:

"(h) All boats;

(i) Slide-in campers and camper shells; [and]

(j) Computers and related equipment donated for use in schools in this state [.] *; and*

(k) Fine art for public display.".

Amend section 1, page 1, line 17, by deleting "*(j)*" and inserting "*(k)*".

Amend section 1, page 1, line 21, by deleting "*and*".

Amend section 1, page 2, line 3, by deleting "*claimed.*" and inserting: "*claimed; and*

(c) Will be available for educational purposes.".

Amend section 1, page 2, line 13, by deleting "*and*".

Amend section 1, page 2, line 16, by deleting "*claimed.*" and inserting: "*claimed; and*

(4) Is available for educational purposes.".

Amend sec. 2, page 2, line 29, by deleting "*and*".

Amend sec. 2, page 2, by deleting line 33 and inserting: "*purchased; and*

(d) Will be available for educational purposes.".

Amend sec. 3, page 2, by deleting line 34 and inserting:

"Sec. 3. 1. This section and section 2 of this act become effective on July 1, 1997.

2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 1997.".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 536.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 6:15 p.m.

Motion carried.

Assembly in recess at 5:13 p.m.

ASSEMBLY IN SESSION

At 8:52 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 196, 200, 361, 432, 433, 470, 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 6, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 137, 146, 165, 268, 298, 447.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 147, 211 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 211, 218, 327, 375, 460.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 208.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 525 and requests a conference, and appointed Senators O'Connell, Rhoads and Regan as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 356.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 315.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 387.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 144, 474.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 173, 214, 454, 661.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 356.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 148.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 209.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 398.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 489.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 451..·

The following Senate amendment was read:

Amendment No. 1233.

Amend section 1, page 1, line 5, by deleting: "*community partnership schools*" and inserting "*public education*".

Amend section 1, page 1, lines 9 and 10, by deleting: "*community partnership schools*" and inserting "*public education*".

Amend section 1, page 2, lines 2 and 3, by deleting: "*community partnership schools*" and inserting "*public education*".

Amend section 1, page 2, line 5, by deleting: "*community partnership schools*" and inserting "*public education*".

Amend section 1, page 2, lines 6 and 7, by deleting: "*community partnership schools*" and inserting "*public education*".

Amend section 1, page 2, lines 11 and 12, by deleting: "*community partnership schools*" and inserting "*public education*".

Amend section 1, page 2, by deleting line 14 and inserting: "*$20 to be used to purchase textbooks and laboratory equipment and pay for field trips for the benefit of pupils in this state.*".

Amend section 1, page 2, by deleting lines 16 and 17 and inserting: "*4 with the state treasurer for credit to the fund for public education created pursuant to section 5 of this act.*".

Amend section 1, page 2, by deleting lines 26 through 31.

Amend the bill as a whole by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 3, page 3, line 27, by deleting "[and]".

Amend sec. 3, page 3, by deleting line 28 and inserting: "Assembly Bill No. 32 of this session and section 1 of [this act.] *Assembly Bill No. 589 of this session and section 1 of this act.* The".

Amend sec. 4, page 4, by deleting lines 16 and 17 and inserting: "section 1 of Assembly Bill No. 32 of this session and section 1 of [this act,] *Assembly Bill No. 589 of this session and section 1 of this act,* a fee of $10.".

Amend sec. 5, pages 4 and 5, by deleting lines 38 through 44 on page 4 and lines 1 through 8 on page 5 and inserting:

"*1. Money received by the state board pursuant to section 1 of this act must be deposited in the fund for public education which is hereby created as a special revenue fund in the state treasury. Money in the fund must not be commingled with money from other sources. The state board shall disburse the money in the fund to schools in this state, upon the request of the school or the board of trustees of the school district in which the school is located, giving preference to those schools that the state board or the board of*

trustees of the school district in which the school is located has classified as serving a significant proportion of pupils who are economically disadvantaged.

2. A school that receives money pursuant to this section may expend the money only to purchase textbooks and laboratory equipment and to pay for field trips for pupils.".

Amend sec. 6, page 5, by deleting line 9 and inserting:

"Sec. 6. Sections 3 and 4 of this act become effective at 12:02 a.m.".

Amend sec. 6, page 5, by deleting lines 11 and 12.

Amend the title of the bill, second line, by deleting: "community partnership schools;" and inserting "public education;".

Amend the summary of the bill to read as follows: "Summary—Provides for issuance of special license plates for support of public education. (BDR 43-738)".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 451.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 148, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be receded from.

DARIO HERRERA	ANN O'CONNELL
DAVID E. HUMKE	RAYMOND C. SHAFFER
CHRIS GIUNCHIGLIANI	WILLIAM J. RAGGIO
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Herrera moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 148.

Remarks by Assemblyman Herrera.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 209, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 20, which is attached to and hereby made a part of this report.

VIVIAN L. FREEMAN	RAYMOND D. RAWSON
PAT HICKEY	WILLIAM R. O'DONNELL
MARK MANENDO	BOB COFFIN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 20.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"*1. The department, through the division of health care financing and policy, shall pay, under the state plan for Medicaid:*".

Amend section 1, page 1, line 9, by deleting: "*assistance to the medically indigent.*" and inserting "*Medicaid.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. Senate Bill No. 427 of this session is hereby amended by adding a new section designated sec. 90, following sec. 89, to read as follows:

Sec. 90. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section that is not amended by this act or is further amended by another act, appropriately change any reference to the "welfare division of the department of human resources" to the "division of health care financing and policy within the department of human resources" in order to carry out the provisions of this act.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any reference to the "welfare division of the department of human resources" to the "division of health care financing and policy within the department of human resources."

Sec. 3. Assembly Bill No. 13 of this session is hereby amended by adding a new section designated sec. 40, following sec. 39, to read as follows:

Sec. 40. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section that is not amended by this act or is further amended by another act, appropriately change any reference to "assistance to the medically indigent" to "Medicaid."

2. In preparing supplements to the Nevada Administrative Code, appropriately change any reference to "assistance to the medically indigent" to "Medicaid" ".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 2, to read as follows:

"Sec. 5. 1. This section and sections 2 and 3 of this act become effective upon passage and approval.

2. Sections 1 and 4 of this act become effective on October 1, 1997.".

Amend the title of the bill by deleting the first through third lines and inserting: "An Act relating to Medicaid; requiring the department of human resources to pay licensed providers of hospice care for services for hospice care provided to persons who are eligible for Medicaid; and providing other".

Assemblyman Manendo moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 209.

Remarks by Assemblyman Manendo.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 356, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 19, which is attached to and hereby made a part of this report.

MERLE BERMAN
KATHLEEN A. VON TOBEL
Assembly Committee on Conference

RAYMOND D. RAWSON
RANDOLPH J. TOWNSEND
JOSEPH M. NEAL, JR.
Senate Committee on Conference

Conference Amendment No. 19.

Amend sec. 48, page 27, by deleting lines 8 through 12 and inserting:

"2. Every applicant for certification by the state library and archives administrator shall submit with his application a complete set of his fingerprints and written permission authorizing the state library and archives administrator to forward the fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report. The state library and archives administrator may issue a".

Amend sec. 132, pages 61 and 62, by deleting line 44 on page 61 and lines 1 and 2 on page 62 and inserting: "automobile wreckers, body shops and garages.

3. A licensee shall post the license in a conspicuous place clearly visible to the general public at the business address set forth on the license.

4. A license expires on April 30 of each year.

5. A licensee may renew his license by submitting to the department:".

Amend sec. 134, page 62, by deleting lines 22 and 23 and inserting:

"2. A licensee shall post the license in a conspicuous place clearly visible to the general public at the business address set forth on the license.

3. A license expires on April 30 of each year.

4. A licensee may renew his license by submitting to the department:".

Amend sec. 135, page 62, line 32, by deleting "evidence" and inserting "demonstrate".

Amend sec. 135, page 62, line 33, by deleting: "become an operator of" and inserting "operate".

Amend sec. 135, page 62, lines 38 and 39, by deleting: "wreckers and body shops." and inserting: "wreckers, body shops and garages.".

Amend sec. 135, page 63, by deleting lines 1 and 2 and inserting:

"4. Upon receipt of the license, the operator shall post the license in a conspicuous place clearly visible to the general public in the body shop and include the license number on all".

Amend sec. 519, page 207, line 3, by deleting: "132, 134, 135,".

Amend sec. 519, page 207, line 6, after "3." by inserting: "Sections 132, 134 and 135 of this act become effective at 12:02 a.m. on October 1, 1997.

4.".

Assemblywoman Von Tobel moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 356.

Remarks by Assemblywoman Von Tobel.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 398, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

MARCIA DE BRAGA	JOHN B. REGAN
PM ROY NEIGHBORS	ERNEST E. ADLER
JOHN C. CARPENTER	MIKE MCGINNESS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblywoman de Braga moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 398.

Remarks by Assemblywoman de Braga.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 489, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be receded from.

MORSE ARBERRY JR.	RAYMOND D. RAWSON
JOHN W. MARVEL	WILLIAM R. O'DONNELL
LYNN C. HETTRICK	BERNICE MATHEWS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Arberry moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 489.

Remarks by Assemblyman Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Carpenter, Giunchigliani and Lambert as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 525.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 196, 200, 319, 361, 432, 433, 470, 491 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 451.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 451:

YEAS — 40.

NAYS — None.

Absent — Nolan.

Excused — Freeman.

Senate Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 194 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 194.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1264.

Amend sec. 3, page 2, line 25, by deleting "must" and inserting "shall".

Amend sec. 3, page 2, by deleting line 38 and inserting:

"(f) Annual renewal of the registration of additional title pursuant to NRS 680A.240.....25".

Amend sec. 3, page 3, line 3, by deleting "5" and inserting "30".

Amend sec. 3, page 3, line 17, by deleting "subsection 4" and inserting "subsection 3".

Amend sec. 3, page 4, line 41, by deleting "$5" and inserting "$10".

Amend sec. 3, page 4, line 42, by deleting "$5" and inserting "$10".

Amend sec. 3, pages 5 and 6, by deleting lines 42 through 44 on page 5 and lines 1 and 2 on page 6 and inserting: "30. Reinsurance intermediary broker or manager:

(a) Resident agents:

(1) Application and license $78

(2) Triennial renewal of each license 78

(b) Nonresident agents:

(1) Application and license 138

(2) Triennial renewal of each license .....138".

Amend sec. 5, page 7, by deleting lines 8 through 31 and inserting:

"684A.070 1. For the protection of the people of this state, the commissioner may not issue or continue any license as an adjuster except in compliance with the provisions of this chapter. Any [individual] *person* for whom a license is issued or continued must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in subsection 2, be a [bona fide] resident of this state [;] *, and have resided therein for at least 90 days before his application for the license;*

(c) Be competent, trustworthy, financially responsible and of good reputation;

(d) Never have been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(e) Have had at least 2 years' recent experience with respect to *the* handling of loss claims of sufficient character reasonably to enable him to fulfill the responsibilities of an adjuster;

(f) Pass all examinations required under this chapter; and

(g) Not be concurrently licensed as an agent, broker, solicitor or surplus lines broker, except as a bail [bondsman.] *agent.*

2. The commissioner may [, in his discretion,] waive the residency requirement set forth in paragraph (b) of subsection 1 if the applicant is:

(a) An adjuster licensed under the laws of another state who has been brought to this state by [an employer] *a* firm or corporation *with whom he is employed that is* licensed as an adjuster in this state to fill a vacancy in the firm or corporation in this state;

(b) An adjuster licensed in an adjoining state whose principal place of business is located within 50 miles from the boundary of this state; or

(c) An adjuster who is applying for a limited license pursuant to section 18.5 of [this act.] *Assembly Bill No. 578 of this session.*

3. A conviction of, or plea of guilty or nolo contendere by, an applicant or licensee for any crime listed in paragraph (d) of subsection 1 is a sufficient ground for the commissioner to deny a license to the applicant, or to suspend, revoke or limit the license of an adjuster pursuant to NRS 684A.210.".

Amend sec. 21, page 13, by deleting lines 12 through 26 and inserting:

"[4.] *(d)* Is competent, trustworthy and financially responsible . [, and has not been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude. A conviction of, or plea of guilty or nolo contendere by, an applicant or licensee for any crime listed in this subsection is a sufficient ground for the commissioner to deny a license to the applicant or to suspend or revoke the agent's license.

5.] *(e)* Has passed any written examination required under this chapter.

[6.] *(f)* Has filed the bond required by NRS 697.190.

(g) Has, on or after July 1, 1999, successfully completed a 6-hour course of instruction in bail bonds that is:

(1) Offered by a state or national organization of bail agents or another organization that administers training programs for bail agents; and

(2) Approved by the commissioner.

2. A person is not entitled to receive, renew or hold a license as a bail agent if he has been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude. A conviction of, or plea of guilty or nolo contendere by, an applicant or licensee for any crime listed in this subsection is a sufficient ground for the commissioner to deny a license to the applicant or to suspend or revoke the license of the agent.".

Amend the bill as a whole by adding a new section designated sec. 48, following sec. 47, to read as follows:

"Sec. 48. Sections 3, 5 and 21 of this act become effective at 12:01 a.m. on October 1, 1997.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Assemblyman Perkins moved that Senate Bill No. 194 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Chief Clerk's desk.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 444 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 444.

Bill read third time.

The following amendment was proposed by Assemblyman Perkins:

Amendment No. 1247.

Amend the bill as a whole by deleting section 5 and renumbering sections 6 through 9 as sections 5 through 8.

Amend the title of the bill to read as follows: "An Act relating to motor carriers; revising the provisions governing unlawful advertising by fully regulated carriers; authorizing the public service commission of Nevada to petition a court of competent jurisdiction for an injunction prohibiting a person from continuing to engage in certain advertising relating to those carriers; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing unlawful advertising by fully regulated motor carriers. (BDR 58-1755)".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 491 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 491.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Senate Bill No. 491:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 312.

Bill read third time.

Remarks by Assemblymen Bache, Giunchigliani, Tiffany, Williams, Perkins, Lee and Lambert.

Roll call on Senate Bill No. 312:

YEAS — 40.

NAYS — Lee.

Excused — Freeman.

Senate Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 220 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 220.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1271.

Amend the bill as a whole by deleting sections 1 through 110 and adding new sections designated sections 1 through 69, following the enacting clause, to read as follows:

"Section 1. NRS 385.005 is hereby amended to read as follows:

385.005 1. The legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this Title are intended to reserve to the boards of trustees of local school districts within [the] *this* state such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers [shall] *may* only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the legislature is delegated to the respective boards of trustees of local school districts [.] *and to the governing body of each charter school.*

3. The state board [of education] shall, and each board of trustees of a local school district , *the governing body of each charter school* and any other school [official] *officer* may, advise the legislature at each regular session of any recommended legislative action to [insure] *ensure high*

standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this Title, unless the context otherwise requires:

1. *"Charter school" means a public school that is formed pursuant to the provisions of sections 8 to 31, inclusive, of this act.*

2. "Department" means the department of education.

[2.] *3.* "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools , *charter schools* and any other schools, classes and educational programs which receive their support through public taxation and , *except for charter schools,* whose textbooks and courses of study are under the control of the state board.

[3.] *4.* "State board" means the state board of education.

Sec. 3. NRS 385.110 is hereby amended to read as follows:

385.110 [The]

1. Except as otherwise provided in subsections 2 and 3, the state board [of education] shall prescribe and cause to be enforced the courses of study for the public schools of this state . [; provided:

1. That high]

2. For those courses of study prescribed by the state board:

(a) High schools may have modified courses of study, subject to the approval of the state board [of education; and

2. That any] *; and*

(b) Any high school offering courses normally accredited as being beyond the level of the 12th grade shall, before offering such courses, have them approved by the state board . [of education.]

3. A charter school is not required to offer the courses of study prescribed by the state board except for those courses of study which are required for promotion to the next grade or graduation from high school.

Sec. 4. NRS 385.115 is hereby amended to read as follows:

385.115 The state board [of education] shall cooperate with the attorney general in the establishment in the schools , *including, without limitation, charter schools,* of programs of information about missing children and adopt regulations containing guidelines for such programs.

Sec. 5. NRS 385.240 is hereby amended to read as follows:

385.240 1. The superintendent of public instruction shall approve or disapprove lists of books for use in public school libraries [, but such] *except for the libraries of charter schools. Such* lists must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

2. Actions of the superintendent with respect to lists of books are subject to review and approval or disapproval by the state board.

Sec. 6. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the schools and the educational achievement of the pupils in the district [.] *, including, without limitation, pupils enrolled in charter schools in the school district.*

2. The board of trustees of each school district shall, on or before March 31 of each year, report to the residents of the district concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8 and 11 for each school in the district and the district as a whole [.] *, including, without limitation, each charter school in the district.* Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and shall compare the results of those examinations for the current school year with those of previous school years. In addition, the board shall also report the results of other examinations of pupil achievement administered to each pupil in the school district in grades other than 4, 8 and 11. The results of these examinations for the current school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, *including, without limitation, each charter school in the district,* the average class size for each required course of study for each secondary school in the district and the district as a whole, *including, without limitation, each charter school in the district,* and other data concerning licensed and unlicensed employees of the school district.

(d) A comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher, for each school in the district and the district as a whole [.] *, including, without limitation, each charter school in the district.*

(e) The total expenditure per pupil for each school in the district and the district as a whole [.] *, including, without limitation, each charter school in the district.*

(f) The curriculum used by the school district, including [any] *:*

(1) Any special programs for pupils at an individual school [.] *; and*

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, for each school in the district and the district as a whole [.] *, including, without limitation, each charter school in the district.*

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole.

(i) Efforts made by the school district and by each school in the district *, including, without limitation, each charter school in the district,* to increase communication with the parents of pupils in the district.

(j) Records of incidents involving weapons or violence for each school in the district [.] *, including, without limitation, each charter school in the district.*

(k) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(l) The transiency rate of pupils for each school in the district and the district as a whole [.] *, including, without limitation, each charter school in the district.*

(m) Each source of funding for the school district.

(n) Such other information as is directed by the superintendent of public instruction.

3. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of:

(1) The Nevada State Education Association;

(2) The Nevada Association of School Boards;

(3) The Nevada Association of School Administrators; and

(4) The Nevada Parent Teachers Association,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

4. On or before April 15 of each year, the board of trustees of each school district shall submit to the state board the report made pursuant to subsection 2. On or before June 15 of each year, the board of trustees of each school district shall submit to the state board:

(a) A separate report summarizing the effectiveness of the district's program of accountability during the school year; and

(b) A description of the efforts the district has made to correct deficiencies identified in the report submitted pursuant to paragraph (a).

5. *On or before February 15 of each year, the governing body of each charter school shall submit to the board of trustees of the school district in*

which the charter school is located the information required pursuant to paragraphs (a) to (n), inclusive, of subsection 2 for inclusion in the report of the board of trustees of the school district. On or before June 15 of each year, the governing body of each charter school shall submit to the state board:

(a) A separate report summarizing the effectiveness of the charter school's program of accountability during the school year; and

(b) A description of the efforts the charter school has made to correct deficiencies identified in the report submitted pursuant to paragraph (a).

6. On or before February 1 of each year, the superintendent of public instruction shall analyze the information submitted to the state board and report to the legislature concerning the effectiveness of the programs of accountability adopted pursuant to this section. In even-numbered years, the report must be submitted to the legislative commission.

Sec. 7. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 31, inclusive, of this act.

Sec. 8. *For the purposes of sections 8 to 31, inclusive, of this act, a pupil is "at risk" if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils with limited proficiency in the English language, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.*

Sec. 9. *1. The legislature hereby declares that by authorizing the formation of charter schools in this state:*

(a) The primary consideration of the legislature is to serve the best interests of pupils who are at risk.

(b) The intention of the legislature is to provide:

(1) The board of trustees of school districts with a method to experiment with providing a variety of independent public schools to the pupils of this state;

(2) A framework for such experimentation;

(3) A mechanism by which the results achieved by charter schools may be measured and analyzed; and

(4) A procedure by which the positive results achieved by charter schools may be replicated and the negative results may be identified and eliminated.

(c) The intention of the legislature is to provide teachers and other educational personnel, parents, legal guardians and other persons who are interested in the system of public education in this state the opportunity to:

(1) Improve the learning of pupils and, by extension, improve the system of public education;

(2) Increase the opportunities for learning and access to quality education by pupils;

(3) Encourage the use of different and innovative teaching methods;

(4) Establish appropriate measures for and assessments of the learning achieved by pupils who are enrolled in charter schools;

(5) Provide a more thorough and efficient system of accountability of the results achieved in public education in this state; and

(6) Create new professional opportunities for teachers and other educational personnel, including, without limitation, the opportunity to increase the accessibility and responsibility of teachers and other educational personnel for the program of learning offered.

2. The legislature declares that by authorizing the formation of charter schools it is not authorizing:

(a) The establishment of a charter school as a justification to keep open an existing public school that would otherwise be closed;

(b) A means for providing financial assistance for private schools or programs of home study; or

(c) The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 10. *1. Except as otherwise provided in subsection 2:*

(a) In a county whose population is more than 400,000, two charter schools may be formed per every 75,000 pupils who are enrolled in public schools in the county school district.

(b) In a county whose population is more than 100,000 but less than 400,000, two charter schools may be formed.

(c) In a county whose population is less than 100,000, one charter school may be formed.

2. The limitations set forth in subsection 1 do not apply to charter schools that are dedicated to providing educational programs and opportunities for pupils who are at risk.

Sec. 11. *The board of trustees of a school district may apply to the department for authorization to sponsor charter schools within the school district. An application must be approved by the department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.*

Sec. 12. *1. A committee to form a charter school must consist of at least three licensed teachers alone or in combination with:*

(a) Ten or more members of the general public;

(b) Representatives of an organization devoted to service to the general public;

(c) Representatives of a private business; or

(d) Representatives of a college or university within the University and Community College System of Nevada.

2. A committee to form a charter school may not submit an application to form a charter school that proposes to convert a private school or a program of study at home into a charter school.

3. Before a committee to form a charter school may submit an application to the board of trustees of a school district, it must submit the application to the department. The application must include all information prescribed by the department by regulation and:

(a) A written description of how the charter school will carry out the provisions of sections 8 to 31, inclusive, of this act.

(b) A written description of the educational programs that will be offered by the charter school.

(c) A written description of the level and type of educational services that will be provided to pupils who are at risk.

(d) The policy and criteria for admission to the charter school and the justification for the policy and criteria.

(e) The standards of achievement for the charter school, including, without limitation, the:

(1) Academic and other educational results that will be expected of pupils who are enrolled in the charter school;

(2) Time by which such results will be achieved; and

(3) Procedure by which the results will be measured and assessed.

(f) An agreement to provide a written report at the end of each school semester to the parents and legal guardians of pupils who are enrolled in the charter school, the residents of the community, the sponsor of the charter school and the state board. The written report must include the progress of the charter school in meeting the standards of achievement set forth in the application.

(g) The system of governance for the charter school.

(h) The system of organization and operation for the charter school.

(i) The policies, practices and programs of the charter school that will ensure participation and involvement in the activities of the charter school by parents and legal guardians of pupils who are enrolled in the charter school.

(j) The policies and practices of employment by the charter school applicable to the administrators and other employees of the charter school.

(k) The procedure for evaluation of the teachers and other employees of the charter school, if different from the procedure prescribed in NRS 391.3125.

(l) The written rules of behavior required of pupils who are enrolled in the charter school, including, without limitation, disciplinary policies and procedures for the charter school.

(m) A written description of the location of the charter school and the facilities and equipment available to the charter school. The description must include the procedures that will be followed for the disposition of facilities and equipment upon dissolution or nonrenewal of the charter.

(n) Guidelines for determining who is liable if the charter school is dissolved or its application for renewal is not approved.

(o) Procedures for auditing the programs and finances of the charter school.

(p) An agreement that the curriculum of the charter school will focus on the intellectual development of pupils, including, without limitation, the acquisition of identifiable academic and technical skills.

(q) An agreement that the pupils who are enrolled in the charter school will be tested on a regular basis and that copies of the examinations with a letter or numerical grade will be included in the report of progress of the pupil provided to the parents or legal guardian of the pupil.

(r) An agreement that a pupil must achieve a specified level of performance appropriate for his grade level before he is promoted to the next grade.

4. The department shall review an application to form a charter school to determine whether it is complete. The department shall provide written notice to the applicant of its approval or denial of the application. If the department denies an application, the department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

Sec. 13. *1. Upon approval of an application by the department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located. The board of trustees shall consider the application at a public meeting for which notice has been provided pursuant to chapter 241 of NRS. The board of trustees shall review the application to determine whether it is complete in accordance with the regulations of the department. The board of trustees shall approve an application if it is complete. The board of trustees shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.*

2. If an application is approved by the board of trustees, the board of trustees and the applicant shall enter into a written agreement concerning the methods and procedures for the board of trustees to monitor the progress

of the charter school. The written agreement must authorize the board of trustees and the department to physically inspect the school at any time. The contents of the application set forth in section 12 and the written agreement entered into pursuant to this subsection shall be deemed the written charter of the charter school. A written charter is for a term of 6 years unless the governing body of the charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of section 18 of this act.

3. If an application is approved by the board of trustees, the committee to form a charter school that submitted the application shall be deemed the governing body of the charter school.

4. Upon request of the governing body of a charter school and the approval of the board of trustees of the school district that granted the written charter, the written charter may be amended if such amendment will grant to the charter school a greater ability to achieve its educational goals and objectives. An amendment must not authorize an extension of the duration of the term of the written charter.

Sec. 14. *1. On or before July 1 of each year, the board of trustees of a school district that sponsors a charter school shall submit a written report to the state board. The written report must include an evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.*

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the board of trustees of the school district that is the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the department, the board of trustees may renew the written charter of the school pursuant to subsection 2 of section 18 of this act.

Sec. 15. *The board of trustees of a school district may revoke the written charter of the charter school before the expiration of the charter if a majority of the members of the board of trustees determines that the charter school, its officers or its employees have failed to comply with:*

1. The terms and conditions of the written charter, including, without limitation, the times by which certain academic or educational results would be achieved;

2. Generally accepted standards of accounting and fiscal management; or

3. The provisions of sections 8 to 31, inclusive, of this act or any other statute or regulation applicable to charter schools.

Sec. 16. *The board of trustees of a school district that approves the formation of a charter school shall not:*

1. Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to a charter school.

2. Interfere with the operation and management of the charter school except as authorized by the written charter, sections 8 to 31, inclusive, of this act and any other statute or regulation applicable to charter schools or its officers or employees.

Sec. 17. *If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, the governing body of the charter school shall make an assignment of all real property and other property of the charter school to the State of Nevada for the repayment of all money received by the charter school from this state for the operation of the charter school during that year. The governing body shall make full settlement with this state for such repayment, and the state may take any lawful action necessary to recover the money.*

Sec. 18. *1. Except as otherwise provided in subsection 2, an application for renewal of a written charter may be submitted to the sponsor of the charter school not less than 90 days before the expiration of the charter. The application must include the information prescribed by the regulations of the department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in section 15 of this act. The sponsor shall provide written notice of its determination not fewer than 30 days before the expiration of the charter. If the sponsor intends not to renew the charter, the written notice must:*

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and

(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.

If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.

2. A charter school may submit an application for renewal of its initial charter after 3 years of operation of the charter school. The application must include the information prescribed by the regulations of the department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in section 15 of this act. The sponsor shall provide written notice of its determination. If the sponsor intends not to renew the charter, the written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and

(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.

If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.

Sec. 19. *A charter school shall:*

1. Comply with all laws and regulations relating to discrimination and civil rights.

2. Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

3. Refrain from charging tuition or fees, levying taxes or issuing bonds.

4. Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

5. Comply with the provisions of chapter 241 of NRS.

6. Schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located.

7. Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 to the pupils who are enrolled in the charter school.

8. Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this state.

9. Provide at least the courses of instruction that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This subsection does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

10. Provide instruction on acquired immune deficiency syndrome and the human reproductive system, related to communicable diseases and sexual responsibility in accordance with NRS 389.065.

11. Adhere to the same transportation policy that is in effect in the school district in which the charter school is located.

Sec. 20. *A charter school shall not be supported by or otherwise affiliated with any religion or religious organization or institution.*

Sec. 21. *1. A charter school may contract with the board of trustees of the school district in which the charter school is located to perform any service relating to the operation of the charter school, including, without*

limitation, transportation and the provision of health services for the pupils who are enrolled in the charter school.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

Sec. 22. *1. The policies for admission to a charter school must be consistent with the provisions of the written charter of the charter school and must be directly related to the goals and missions of the charter school.*

2. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this state. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If more pupils apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

3. Except as otherwise provided in subsection 5, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

Sec. 23. *1. A governing body of a charter school shall adopt:*

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school immediately upon being given an explanation of the reasons for his removal and pending proceedings, which must be conducted as soon as practicable after removal, for his suspension or expulsion.

4. A pupil who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters, be:

(a) Suspended from the charter school pursuant to this section for not more than 10 days.

(b) Suspended from the charter school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.).

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 24. *1. Pupils who are enrolled in a charter school, including, without limitation, pupils who are enrolled in programs of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the state distributive school account pursuant to NRS 387.121 to 387.126, inclusive. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.*

2. The board of trustees of a school district shall, at the same time and in the same manner as it distributes money to all other public schools in the school district, distribute money to a charter school in an amount per pupil which is equal to the amount per pupil that is allocated to the other public schools in the school district. The board of trustees shall deduct the salaries for licensed and nonlicensed employees in the charter school.

3. The governing body of a charter school may negotiate with the board of trustees of the school district and the state board for additional money to pay for services which the governing body wishes to offer.

4. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils must be revised on the last day of the first month of the school year, based on the actual number of pupils who are enrolled in the charter school.

5. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools.

Sec. 25. *1. At least 75 percent of the teachers who provide instruction at a charter school must be licensed teachers.*

2. A charter school may employ persons who are not licensed teachers to provide instruction at the charter school if not more than 25 percent of teachers who provide instruction at the charter school are not licensed. A person who is employed pursuant to this subsection must:

(a) Possess a temporary license to teach during the time that he is fulfilling the requirements for full licensure;

(b) Possess a baccalaureate degree or higher degree; or

(c) Have at least 8 years of experience in the field in which he is employed and possess exemplary skills in that field.

3. A person who is employed pursuant to paragraph (b) or (c) of subsection 2:

(a) Must provide instruction at a charter school only under the direction of a licensed teacher. The licensed teacher must be responsible for all instructional activities of the unlicensed teacher.

(b) May only be selected for employment based upon his qualifications, as determined by the charter school.

4. A charter school may employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A master's degree in school administration, public administration or business administration; or

(b) If the person has at least 5 years of experience in administration, a baccalaureate degree.

5. A charter school shall not employ a person pursuant to this section if his license to teach or provide other educational services has been revoked or suspended in this state or another state.

Sec. 26. *1. Except as otherwise provided in this subsection and subsection 2, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school. If a written charter is renewed, the employees of the charter school may, at the time of renewal, apply for recognition as a bargaining unit pursuant to NRS 288.160.*

2. A teacher or a governing body of a charter school may request that the board of trustees of the school district and other persons who entered into the collective bargaining agreement grant a waiver from specific provisions of the collective bargaining agreement for the teacher or governing body.

3. All employees of a charter school shall be deemed public employees.

4. The governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless the applicable collective bargaining agreement contains separate provisions relating to the discipline of licensed employees of a school.

5. If the written charter of a charter school is revoked, the employees of the charter school must be reassigned to employment within the school district in accordance with the collective bargaining agreement.

6. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the

board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

7. An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the public employees' retirement system and accrual of time for the purposes of leave and retirement. The time during which such an employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

8. Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

9. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the public employees' retirement system.

10. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the public employees' retirement system.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

Sec. 27. *1. On or before November 15 of each year, the governing body of each charter school shall submit to the sponsor of the charter school, the superintendent of public instruction and the director of the legislative counsel bureau for transmission to the majority leader of the senate and the speaker of the assembly a report that includes:*

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each licensed employee and nonlicensed teacher employed at the charter school on October 1 of that year:

(1) The amount of salary of the employee; and

(2) The designated assignment, as that term is defined by the department, of the employee.

(c) The count of pupils who are enrolled in a charter school in:

(1) Kindergarten;

(2) Grades 1 to 12, inclusive; and

(3) Special education pursuant to NRS 388.440 to 388.520, inclusive.

(d) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(e) The proposed expenditures of the charter school for the current fiscal year.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The superintendent of public instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the state distributive school account for the preceding year.

Sec. 28. *1. The person designated by the governing body of a charter school shall draw all orders for the payment of money belonging to the charter school. The orders must be listed on cumulative voucher sheets.*

2. The governing body of a charter school shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed.

3. No order in favor of a member of the governing body of the charter school, except for salaries, travel expenses and subsistence or for services of any member, may be drawn.

4. No action may be maintained against any governing body of a charter school upon any bill not presented for payment to the governing body within 6 months after the bill was incurred.

Sec. 29. *The department and the board of trustees of a school district shall:*

1. Upon request, provide information to the general public concerning the formation and operation of charter schools;

2. Maintain a list available for public inspection that describes the location of each charter school;

3. Maintain a list available for public inspection of any buildings or facilities that may be suitable for the operation of a charter school;

4. Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of sections 8 to 31, inclusive, of this act; and

5. Provide technical and other reasonable assistance to a charter school for the operation of the charter school.

Sec. 30. *1. The department shall adopt regulations that prescribe:*

(a) The process for submission of an application by the board of trustees of a school district to the department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the department and to the board of trustees of a school district, and the contents of the application;

(c) The process for submission of an application to renew a written charter; and

(d) The criteria and type of investigation that must be applied by the board of trustees in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. The department may adopt regulations as it determines are necessary to carry out the provisions of sections 8 to 31, inclusive, of this act, including, without limitation, regulations that prescribe the procedures for accounting, budgeting and annual audits of charter schools.

Sec. 31. *The state board shall:*

1. Review all statutes and regulations from which charter schools are exempt and determine whether such exemption assisted or impeded the charter schools in achieving their educational goals and objectives.

2. Make available information concerning the formation and operation of charter schools in this state to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public.

Sec. 32. NRS 387.067 is hereby amended to read as follows:

387.067 1. The state board [of education] may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada , [or] the school districts *or the charter schools* of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The superintendent of public instruction shall deposit the money with the state treasurer, who shall make disbursements therefrom on warrants of the state controller issued upon the order of the superintendent of public instruction.

3. The state board , [of education and] any school district within [the] *this* state *and any governing body of any charter school in this state* may, within the limits provided in this section, make such applications , [and] agreements and [give such] assurances to the Federal Government , and conduct such programs as may be required as a condition precedent to *the* receipt of money appropriated by any Act of Congress for purposes of elementary and secondary education. [Neither the state board of education

nor a school district may enter into] *Such* an agreement or [give an assurance which requires the] *assurance must not require this* state , or a school district *or governing body* to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 33. NRS 387.080 is hereby amended to read as follows:

387.080 1. The state board [of education] may enter into agreements with any agency of the Federal Government, [with] any board of trustees of a school district, *any governing body of a charter school* or [with] any other entity or person. The state board may establish policies and prescribe regulations, authorize the employment of such personnel [,] and take such other action as it [may deem] *considers* necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The state treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the state controller issued upon the order of the superintendent of public instruction pursuant to regulations or policies of the *state* board.

3. The superintendent of public instruction may:

(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 34. NRS 387.090 is hereby amended to read as follows:

387.090 [Boards] *The board* of trustees of *each* school [districts] *district and the governing body of each charter school* may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them [under] *pursuant to* the provisions of NRS 387.070 to 387.105, inclusive, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in a bank or banks within the state.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 35. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which no grade work is given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the state board . [of education.] The school is an elementary or secondary school for the purpose of teachers' certifications.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of teachers' certifications.

4. A special school is an organized unit of instruction operating with approval of the state board . [of education.]

5. A charter school is a public school that is formed pursuant to the provisions of sections 8 to 31, inclusive, of this act.

Sec. 36. NRS 388.040 is hereby amended to read as follows:

388.040 [In any]

1. Except as otherwise provided in subsection 2, the board of trustees of a school district [having and maintaining] *which includes* more than one school [offering] *that offers* instruction in the same grade or grades [, the board of trustees shall have the power to] *may* zone the school district and [to] determine which pupils shall attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a charter school.

Sec. 37. NRS 388.150 is hereby amended to read as follows:

388.150 1. No books, tracts or papers of a sectarian or denominational character [shall] *may* be used or introduced in any public school established [under] *pursuant to* the provisions of this Title of NRS, nor [shall] *may* any sectarian or denominational doctrines be taught in any public school.

2. Any school district *or charter school* whose officers knowingly allow any public schools to be taught in violation of this section forfeits all right to any public school funds.

Sec. 38. NRS 388.367 is hereby amended to read as follows:

388.367 1. There is hereby created in the state treasury the fund for the improvement of occupational education to be administered by the state board . [of education.] The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund.

2. Money in the fund must be used for the program to provide pupils with the skills to make the transition from school to work adopted pursuant to NRS 388.368.

3. Money in the fund must not be:

(a) Considered in negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce the amount of money which would otherwise be made available for occupational education in the absence of this section.

4. The state board [of education] shall establish annually a basic allocation of [$25,000] *:*

(a) Twenty-five thousand dollars to each school district and community college whose application to participate in the program adopted pursuant to NRS 388.368 is approved by the state board . [of education. The remaining]

(b) Not more than $25,000 to each charter school whose application to participate in the program adopted pursuant to NRS 388.368 is approved by the state board.

5. Any money *remaining after the allocations made pursuant to subsection 4* must be allocated to:

(a) School districts with approved applications in proportion to the total number of pupils enrolled in grades 7 [through] *to* 12, inclusive, within the district on the last day of the first month of the school year preceding the school year for which the money is being provided; [and]

(b) *Charter schools with approved applications in proportion to the total number of pupils enrolled in grades 7 to 12, inclusive, within the charter school on the last day of the first month of the school year preceding the school year for which the money is being provided; and*

(c) Community colleges with approved applications in proportion to the total number of full-time students enrolled on October 15 of the school year preceding the school year for which the money is being provided.

Sec. 39. NRS 388.368 is hereby amended to read as follows:

388.368 1. The state board [of education] shall adopt a comprehensive program to provide pupils with the skills to make the transition from school to work. The state board [of education] shall develop, implement and review the program with the assistance of the assisting agencies and the business community that will be included in the partnerships established pursuant to paragraph (a) of subsection 3.

2. The program to provide pupils with the skills to make the transition from school to work must be designed to achieve the following objectives:

(a) To provide all pupils with an equal opportunity to learn about and explore various career options before the completion of middle school.

(b) To provide career counseling for all pupils during the 9th and 10th grades.

(c) To provide all pupils with an equal opportunity to achieve high academic standards and to obtain training in occupations that earn high wages.

(d) To strengthen and expand existing technical and vocational education programs adopted pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. §§ 2301 et seq.).

(e) To adopt a system for issuing certificates of technical or vocational proficiency.

(f) To adopt a curriculum and a system to allow pupils and students to participate in educational activities in the workplace.

(g) To provide all pupils with programs of job training and placement or programs for preparation for postsecondary education during the 12th grade.

(h) To strengthen the relationship [between] *among* the business community , [and] school districts *and charter schools* to promote job training and internships.

(i) To encourage statewide participation in the program.

(j) To meet the continuing educational and developmental needs of teachers and employees of the school district [.] *and charter schools.*

(k) To adopt a process to evaluate the program and to integrate improvements into the program.

3. To be eligible to receive funding for and to participate in the program established pursuant to this section, a school district , *a charter school* or a community college must submit to the state board [of education] an application that includes:

(a) A description of the partnership between the school district , *charter school* or community college and the business community that will be established to carry out the program adopted pursuant to this section. The partnership must consist of employers, representatives of local educational agencies, local postsecondary educational institutions, representatives of labor organizations, pupils, parents and persons representing rehabilitation, employment and training services.

(b) A plan that describes how the partnership will carry out the objectives of the program, including specific requirements for periodic review and approval by the members of the partnership representing the business community of the means of obtaining those objectives. The members of the partnership who perform the periodic review shall make a determination of whether the program is actually improving the participants' skills to make the transition from school to work. The members of the partnership who perform the periodic review must include employers who are likely to hire pupils who complete the program as well as other employers who are active in the establishment of programs for job training and placement.

(c) A description of an annual evaluation to be conducted by the partnership and used to measure the success of the program. The results of the evaluation must be submitted to the state board [of education] and contain specific comments from the members of the partnership representing the business community regarding the effectiveness of the program in producing pupils who are ready for employment in the workplace.

(d) Other information the state board [of education] may require to determine the eligibility of the school district *or the charter school* to participate in the program.

4. The state board , [of education,] after consultation with the assisting agencies, shall submit a report containing its findings, conclusions and recommendations regarding the program adopted pursuant to this section to each session of the legislature.

5. As used in this section, "assisting agencies" means the commission on economic development, the department of employment, training and rehabilitation, the welfare division of the department of human resources, the department of information services, the state industrial insurance system, the division of state library and archives of the department of museums, library and arts and the University and Community College System of Nevada.

Sec. 40. NRS 388.390 is hereby amended to read as follows:

388.390 [When] *If* the board of trustees of a school district [has organized] *or the governing body of a charter school organizes* a school or classes for occupational education in accordance with the regulations adopted by the state board for occupational education and the school or classes have been approved by the executive officer of the state board for occupational education, the school district *or the charter school* is entitled to share in federal and state money available for the promotion of occupational education in the amount determined by the executive officer of the state board for occupational education, in accordance with the regulations and policies of the board.

Sec. 41. NRS 388.520 is hereby amended to read as follows:

388.520 1. The state board [of education] shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

2. [Prescribed] *The* minimum standards *prescribed by the state board* must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

(a) Hearing impairments, including, but not limited to, deafness.
(b) Visual impairments, including, but not limited to, blindness.
(c) Orthopedic impairments.
(d) Speech and language impairments.
(e) Mental retardation.
(f) Multiple impairments.
(g) Serious emotional disturbances.
(h) Other health impairments.
(i) Specific learning disabilities.
(j) Autism.
(k) Traumatic brain injuries.
(l) Developmental delays.
(m) Gifted and talented abilities.

3. No apportionment of state money may be made to any school district *or charter school* for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the superintendent of public instruction as meeting the [prescribed] minimum standards [.] *prescribed by the state board.*

Sec. 42. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools [within its district to] *of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must* determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Writing; and

(c) Mathematics.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 8 and 11.

(b) Administered in each school district *and each charter school* at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Scored by a single private entity that has contracted with the state board to score the examinations. The entity shall report the results of the examinations in the form required by the department.

3. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities.

4. If a pupil fails to demonstrate adequate achievement on the examination administered before the completion of grade 4 or 8, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

5. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading and mathematics prescribed for grades 4 and 8 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4 and 8 in this state to that of a national reference group of pupils in grades 4 and 8. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a state officer who is a member of the executive or legislative branch to the extent that it is related to the performance of that officer's duties.

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the

questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 43. NRS 389.017 is hereby amended to read as follows:

389.017 The state board [of education] shall prescribe regulations requiring that each board of trustees of a school district *and each governing body of a charter school* submit to the superintendent of public instruction, in the form and manner prescribed by the superintendent, the results of achievement and proficiency examinations given in the 4th, 8th and 11th grades [of] *to* public school pupils [in] *of* the district [.] *and charter schools.* The state board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

Sec. 44. NRS 390.140 is hereby amended to read as follows:

390.140 1. The state board [of education] shall make the final selection of all textbooks to be used in the public schools in this state [.] , *except for charter schools.*

2. A textbook must not be selected *by the state board pursuant to subsection 1* for use in the public schools in classes in literature, history or social sciences unless it accurately portrays the cultural and racial diversity of our society, including lessons on the contributions made to our society by men and women from various racial and ethnic backgrounds.

Sec. 45. NRS 390.220 is hereby amended to read as follows:

390.220 Boards of trustees of school districts in this state shall enforce in *the public* schools , *excluding charter schools,* the use of textbooks prescribed and adopted by the state board . [of education.]

Sec. 46. NRS 390.230 is hereby amended to read as follows:

390.230 1. [The] *Except as otherwise provided in subsection 2, the* textbooks adopted by the state board [of education] must be used in the public schools in [the] *this* state , and no other books may be used as basic textbooks.

2. This section does not prohibit:

(a) The continued use of such textbooks previously approved until they become unserviceable.

(b) The use of supplemental textbooks purchased by a school district with the approval of the superintendent of public instruction.

(c) After approval by the state board, the temporary use of textbooks for tryout purposes.

(d) A charter school from using textbooks other than those adopted for use by the state board.

3. Any school officer or teacher who violates the provisions of this chapter, or knowingly fails to follow the regulations of the state board relating to use of textbooks shall be punished by a fine of not more than $250.

4. All superintendents, principals, teachers and school officers are charged with the execution of this section.

Sec. 47. NRS 391.045 is hereby amended to read as follows:

391.045 The superintendent of public instruction shall file with the clerk of the board of trustees of each local school district a directory of all teachers and other educational personnel [who hold licenses entitling them] , *including, without limitation, teachers and educational personnel employed by a charter school pursuant to sections 26 and 27 of this act, who are entitled* to draw salaries from the county school district fund, and shall advise the clerk from time to time of any changes or additions to the directory.

Sec. 48. NRS 391.170 is hereby amended to read as follows:

391.170 [A]

1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless:

[1.] *(a)* He is legally employed by the board of trustees of the school district in which he is teaching or performing other educational functions.

[2.] *(b)* He has a license authorizing him to teach or perform other educational functions at the level and in the field for which he is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school pursuant to the provisions of sections 26 and 27 of this act.

Sec. 49. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, "employee" means any employee of a school district *or charter school* in this state.

2. A school month in any public school in this state consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted work days in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees.

6. The salary of any employee unavoidably absent because of personal illness or accident, or because of serious illness, accident or death in the

family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee [of a school district] takes a position with another school district [,] *or charter school,* all sick leave that he has accumulated must be transferred from his former school district *or charter school* to his new school district [.] *or charter school.* The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district *or charter school* into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district *or charter school* provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district *or charter school* into which he transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees *of a school district or the governing body of a charter school* for any good reason, no deduction of salary may be made therefor.

(b) If , on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees *of a school district, the governing body of a charter school* or [by] a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees *of a school district or the governing body of a charter school* orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his services to the school district *or charter school* during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement *or contract* negotiated by [the] *:*

(a) The board of trustees of a school district pursuant to chapter 288 of NRS [,] *; or*

(b) The governing body of a charter school pursuant to section 27 of this act,

the provisions of the agreement *or contract* regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 50. NRS 391.260 is hereby amended to read as follows:

391.260 [Every]

1. Except as otherwise provided in subsection 2, each teacher in the public schools shall enforce the course of study as prescribed by law, the use of legally authorized textbooks, and the rules and regulations prescribed for teachers and schools.

2. The provisions of subsection 1 do not prohibit a charter school from:

(a) Offering courses of study other than the courses of study prescribed by law;

(b) Using textbooks other than the textbooks that are legally authorized for use in the school district; or

(c) Enforcing rules and regulations other than the rules and regulations prescribed.

Sec. 51. NRS 392.125 is hereby amended to read as follows:

392.125 1. [Before] *Except as otherwise provided in subsection 4, before* any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a meeting and to meet with his parents or guardian to discuss the reasons and circumstances.

2. The teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.

3. No pupil may be retained more than one time in the same grade.

4. This section does not apply to the academic retention of pupils who are enrolled in a charter school.

Sec. 52. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer, or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of 7 and 17 years; and

(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,

who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, [he] *the officer having custody* shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district *or the governing body of a charter school* may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 53. NRS 392.165 is hereby amended to read as follows:

392.165 1. The board of trustees of a school district *and the governing body of a charter school* shall not allow a child to be permanently enrolled in any school in the district *or any charter school* until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school he most recently attended.

2. Except as otherwise provided in subsection 3, a child must be enrolled in a school under his name as it appears in the identifying document or records required by subsection 1, unless the parent or guardian furnishes a court order or decree authorizing a change of name or directing the board of trustees of the school district *or the governing body of a charter school* to enroll the child under a name other than the name which appears in the identifying document or records.

3. A child who is in the custody of the division of child and family services of the department of human resources may be enrolled in a school under a name other than the name which appears in the identifying document or records required by subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally enrolled, the principal , [or] superintendent *or governing body of a charter school* shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

Sec. 54. NRS 392.167 is hereby amended to read as follows:

392.167 A parent or guardian who has legal custody of a child may petition the appropriate district court for an order directing the board of trustees of a school district *or the governing body of a charter school* to enroll that child in a public school within that district under a name other than the name which appears in the identifying document or records required by subsection 1 of NRS 392.165. Except as otherwise provided by specific statute, the court shall issue the order if it determines that to do so would be in the best interests of the child.

Sec. 55. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district *or the governing body of a charter school* shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child, for violation of any of the provisions of NRS 392.130 to 392.160, inclusive, or 392.040 to 392.110, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 56. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child has violated any of the provisions of NRS 392.130 to 392.160, inclusive, or 392.040 to 392.110, inclusive, the clerk of the board of trustees, except as *otherwise* provided in NRS 392.190, *or the governing body of a charter school in which the child is enrolled,* shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 57. NRS 392.430 is hereby amended to read as follows:

392.430 [The]

1. Except as otherwise provided in subsection 2, the board of trustees of a school district [shall have power:

1. To make] *may:*

(a) Adopt and enforce [necessary] regulations *that are necessary* for sanitation in the public schools and [to prevent] *for the prevention of* the spread of contagious and infectious diseases therein.

[2. To expend]

(b) Spend money available in the school district [funds] to enforce the regulations among indigent children.

2. The governing body of a charter school may:

(a) Adopt and enforce rules that are necessary for sanitation in the charter school and for the prevention of contagious and infectious diseases; and

(b) Spend money to enforce the rules among indigent children.

Sec. 58. NRS 392.435 is hereby amended to read as follows:

392.435 1. Unless excused because of religious belief or medical condition, a child may not be enrolled in a public school within this state unless his parents or guardian submit to the board of trustees of the school district in which the child resides *or the governing body of the charter school in which the child has been accepted for enrollment* a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

(a) Diphtheria;

(b) Tetanus;
(c) Pertussis if the child is under 6 years of age;
(d) Poliomyelitis;
(e) Rubella;
(f) Rubeola; and
(g) Such other diseases as the local board of health or the state board of health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or his designee or a registered nurse or his designee, attesting that the certificate accurately reflects the child's record of immunization.

3. If the requirements of subsection 1 can be met with one visit to a physician or clinic, procedures for conditional enrollment do not apply.

4. A child may enter school conditionally if the parent or guardian submits a certificate from a physician or local health officer that the child is receiving the required immunizations. If a certificate from the physician or local health officer showing that the child has been fully immunized is not submitted to the appropriate school officers within 90 school days after the child was conditionally admitted, the child must be excluded from school and may not be readmitted until the requirements for immunization have been met. A child who is excluded from school pursuant to this section is a neglected child for the purposes of NRS 432.100 to 432.130, inclusive, and chapter 432B of NRS.

5. Before December 31 of each year, each school district *and the governing body of each charter school* shall report to the health division of the department of human resources, on a form furnished by the division, the exact number of pupils who have completed the immunizations required by this section.

6. The certificate of immunization must be included in the pupil's academic or cumulative record and transferred as part of that record upon request.

Sec. 59. NRS 392.437 is hereby amended to read as follows:

392.437 A public school shall not refuse to enroll a child as a pupil because [such] *the* child has not been immunized pursuant to NRS 392.435 if the parents or guardian of [such child have] *the child has* submitted to the board of trustees *of the school district or the governing body of a charter school in which the child has been accepted for enrollment* a written statement indicating that their religious belief prohibits immunization of such child or ward.

Sec. 60. NRS 392.439 is hereby amended to read as follows:

392.439 If the medical condition of a child will not permit him to be immunized to the extent required by NRS 392.435 [,] *and* a written statement of this fact *is* signed by a licensed physician and [presented to the board of

trustees] by the parents or guardian of [such] *the* child , *the board of trustees of the school district or governing body of the charter school in which the child has been accepted for enrollment* shall exempt [such] *the* child from all or part of the provisions of NRS 392.435, as the case may be, for enrollment purposes.

Sec. 61. NRS 392.443 is hereby amended to read as follows:

392.443 If, after a child has been enrolled in a public school and before registration for any subsequent school year additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates to the board of trustees *or the governing body of the charter school in which the child is enrolled* stating that [such] *the* child has met the new immunization requirements.

Sec. 62. NRS 392.446 is hereby amended to read as follows:

392.446 Whenever the state board of health or a local board of health determines that there is a dangerous contagious disease in a public school attended by a child for whom exemption from immunization is claimed pursuant to the provisions of NRS 392.437 or 392.439, the board of trustees of the school district *or the governing body of the charter school in which the child is enrolled* shall require either:

1. That the child be immunized; or

2. That he remain outside the school environment and the local health officer be notified.

Sec. 63. NRS 392.450 is hereby amended to read as follows:

392.450 1. The board of trustees of [a] *each* school district *and the governing body of each charter school* shall provide drills for the pupils in the schools in the school district *or the charter schools* at least once [a] *each* month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency. Not more than three of those drills may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters.

2. In all cities or towns which have regularly organized, paid fire departments or voluntary fire departments, the drills required by subsection 1 must be conducted under the supervision of the:

(a) Person designated for this purpose by the board of trustees of the school district [;] *or the governing body of a charter school;* and

(b) Chief of the fire department of the city or town.

3. A diagram of the approved escape route and any other information related to the drills which is approved by the chief of the fire department or, if there is no fire department, the state fire marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

5. Any violation of the provisions of this section is a misdemeanor.

Sec. 64. NRS 392.455 is hereby amended to read as follows:

392.455 1. If a school district *or a charter school* has established classes in occupational education, the teachers and pupils in those classes must wear devices provided by the school district *or the charter school* which are designed to protect their eyes while they are using power tools, torches or other dangerous equipment or machinery.

2. The teachers and pupils in classes in science must wear devices provided by the school district which are designed to protect their eyes when chemicals or toxic substances are used in those classes.

Sec. 65. 1. On or before February 1, 2001, the state board of education shall submit a written report to the:

(a) Governor; and

(b) Director of the legislative counsel bureau for transmission to the senate standing committee on human resources and facilities and the assembly standing committee on education.

2. The written report must evaluate the progress of charter schools in this state in improving the system of public education and achieving the educational goals and objectives set forth in the written charters of each charter school. In evaluating the progress of charter schools, the state board shall compare the educational performance of pupils who are enrolled in charter schools with the performance of pupils who are from similar ethnic and economic backgrounds and who are not enrolled in charter schools. The evaluation must include a fiscal analysis based on total per pupil expenditures in the public school system.

Sec. 66. A charter school that is formed pursuant to the provisions of sections 8 to 31, inclusive, of this act, shall not commence operations before the 1997-1998 school year.

Sec. 67. The amendatory provisions of this act do not apply to offenses that are committed before the effective date of this act.

Sec. 68. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 69. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows: "An Act relating to public education; authorizing the formation of charter schools; restricting the number of charter schools that may be formed in certain counties; providing an exception from the limitation for charter schools that provide educational services to pupils who are at risk; authorizing the board of trustees of school districts to sponsor charter schools; prescribing the process by which an application to form a charter school is submitted and approved; providing for

the financial support of charter schools; exempting charter schools from certain statutes applicable to public schools; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

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

Motion carried.

Assembly in recess at 9:28 p.m.

ASSEMBLY IN SESSION

At 10:25 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 316 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Senate Bills Nos. 220, 444 be placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 144.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 387.

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

Motion carried.

Senate Bill No. 474.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1267.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting:

"*1. The board of trustees of each school district:*

(a) Shall establish a plan for the teachers and other licensed educational personnel in the school district who teach or supervise pupils in physical education; and

(b) May establish a plan for the teachers and other licensed educational personnel in the school district who teach or supervise pupils in courses of study or activities other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity,

to receive the training which is".

Amend section 1, page 1, by deleting line 9 and inserting: "*resuscitation.*

2. A plan established by the board of trustees pursuant to subsection 1 must:".

Amend section 1, page 1, line 14, after "*district*" by inserting: "*other than physical education*".

Amend section 1, page 2, line 2, by deleting "*physical education,*".

Amend section 1, page 2, by deleting lines 7 through 11 and inserting

"*3. The board of trustees of each school district shall submit to the state board any plan that it establishes pursuant to subsection 1.*

4. A teacher or other person who:

(a) Is licensed pursuant to this chapter; and

(b) Teaches or supervises:

(1) Physical education; or

(2) A course of study or an activity that the board".

Amend section 1, page 2, line 14, by deleting "*activity,*" and inserting: "*activity and for which the board of trustees has established a plan pursuant to subsection 1,*".

Amend section 1, page 2, line 18, by deleting "*4.*" and inserting "*5.*".

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 through 7 as sections 2 through 5.

Amend sec. 4, page 4, line 41, by deleting "*or 2*".

Amend sec. 6, page 5, by deleting lines 10 through 14 and inserting: "plans required pursuant to section 1 of this act.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 147.

The following Senate amendment was read:

Amendment No. 1198.

Amend section 1, page 1, line 4, by deleting "*persons*" and inserting: "*persons, the Nevada attorney for injured workers or an attorney or other compensated representative of an injured employee* ".

Amend section 1, page 1, line 13, after "*to*" by inserting: "*each insurer, organization for managed care and third-party administrator interested in the claim or the representative of each of those persons, the administrator and* ".

Amend section 1, page 2, by deleting lines 3 and 4 and inserting:

"*2. If the administrator determines that a person has violated the provisions of this section, he shall:*

(a) For an initial violation, issue a notice of correction.

(b) For a second violation, impose an administrative fine of not more than $250.

(c) For a third or subsequent violation, impose an administrative fine of not more than $1,000.".

Assemblywoman Krenzer moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 147.

Remarks by Assemblywoman Krenzer.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 211.

The following Senate amendment was read:

Amendment No. 1141.

Amend section 1, page 1, line 1, by deleting "55" and inserting "52".

Amend section 1, page 1, line 2, by deleting "24," and inserting "16,".

Amend sec. 4, page 1, line 10, by deleting "travelers" and inserting "traveler's".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. "Commissioner" means the commissioner of financial institutions.".

Amend the bill as a whole by deleting sections 8 through 26 and adding new sections designated sections 8 through 19, following sec. 7, to read as follows:

"Sec. 8. "Registrant" means a person who has been issued a certificate of registration to operate a check-cashing or deferred deposit service pursuant to this chapter.

Sec. 8.5. The commissioner shall adopt regulations to carry out the provisions of this chapter.

Sec. 9. 1. Except as otherwise provided in subsection 2, it is unlawful to operate a check-cashing or deferred deposit service without being registered with the commissioner.

2. The provisions of this chapter do not apply to:

(a) A person doing business pursuant to the authority of any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage companies, thrift companies, pawnbrokers or insurance companies.

(b) A person licensed to make installment loans pursuant to chapter 675 of NRS.

(c) A person who is primarily engaged in the retail sale of goods or services who:

(1) As an incident to or independently of a retail sale or service from time to time cashes checks for a fee or other consideration of not more than $2; and

(2) Does not hold himself out as a check-cashing service.

(d) A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

(e) A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

Sec. 10. 1. An application for registration pursuant to this chapter must be made in writing, under oath and on a form prescribed by the commissioner. The application must include:

(a) If the applicant is a natural person, the name and address of the applicant.

(b) If the applicant is a business entity, the name and address of each:

(1) Partner:

(2) Officer;

(3) Director;

(4) Manager or member who acts in a managerial capacity; and

(5) Registered agent,

of the business entity.

(c) Such other information concerning the financial responsibility, background, experience and activities of the applicant and its:

(1) Partners;

(2) Officers;

(3) Directors; and

(4) Managers or members who act in a managerial capacity,

as the commissioner determines is necessary.

(d) The address of each location at which the applicant proposes to do business.

(e) If the applicant intends to provide deferred deposit services in addition to check-cashing services, a statement of that intent.

2. Each application for registration must be accompanied by a nonrefundable registration fee of $250.

Sec. 11. 1. Except as otherwise provided in section 12 of this act, each application for registration must be accompanied by a surety bond payable to the State of Nevada in the amount of $50,000 for the use and benefit of any customer receiving the registrant's check-cashing or deferred deposit service.

2. The bond must be in a form satisfactory to the commissioner, issued by a bonding company authorized to do business in this state and must secure the faithful performance of the obligations of the registrant respecting the provision of the check-cashing or deferred deposit service.

3. A registrant shall, within 10 days after the commencement of any action or notice of entry of any judgment against him by any creditor or claimant arising out of business regulated by this chapter, give notice thereof to the commissioner by certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

4. Whenever the principal sum of the bond is reduced by recoveries or payments thereon, the registrant shall furnish:

(a) A new or additional bond so that the total or aggregate principal sum of the bonds equals the sum required pursuant to subsection 1; or

(b) An endorsement, duly executed by the surety, reinstating the bond to the required principal sum.

5. The liability of the surety on the bond to a creditor or claimant is not affected by any misrepresentation, breach of warranty, failure to pay a

premium or other act or omission of the registrant, or by any insolvency or bankruptcy of the registrant.

6. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the registrant's agents within 30 days after:

(a) The registrant's death or the dissolution or liquidation of his business; or

(b) The termination of the bond,

whichever event occurs first.

7. A registrant or his surety shall not cancel or alter a bond except after notice to the commissioner by certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection 6.

Sec. 12. 1. In lieu of any surety bond, or any portion of the principal sum thereof as required by this chapter, a registrant may deposit with the state treasurer or with any bank or trust company authorized to do business in this state as the registrant may select, with the approval of the commissioner:

(a) Interest-bearing stocks;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this state or any city, county, town, township, school district or other instrumentality of this state or guaranteed by this state,

in an aggregate amount of, based upon principal amount or market value, whichever is lower, of not less than the amount of the required surety bond or portion thereof.

2. The securities must be held to secure the same obligation as would the surety bond, but the depositor may receive any interest or dividends and, with the approval of the commissioner, substitute other suitable securities for those deposited.

Sec. 13. 1. The commissioner shall issue to each registrant a certificate of registration in such form and size as is prescribed by the commissioner for each location at which the registrant proposes to do business. Each certificate of registration must show the name and address of the registrant.

2. Each registrant shall prominently display his certificate of registration at the location where he does business.

Sec. 14. 1. A certificate of registration issued pursuant to this chapter expires annually on the anniversary of the issuance of the certificate. A registrant must renew his certificate of registration on or before the date on which the certificate expires by paying a renewal fee of $250 and an

additional fee of $50 for each branch location at which the registrant is authorized to operate under the certificate of registration.

2. For the purposes of section 9 of this act, a registrant who fails to renew his certificate of registration within the time required by this section is not registered pursuant to this chapter.

Sec. 15. 1. A registrant shall immediately notify the commissioner of any change of control of the registrant.

2. A person who acquires stock, partnership or member interests resulting in a change of control of the registrant shall apply to the commissioner for approval of the transfer. The application must contain information which shows that the requirements of this chapter for obtaining a certificate of registration will be satisfied after the change of control. If the commissioner determines that those requirements will not be satisfied, he may deny the application and forbid the applicant from participating in the business of the registrant.

3. As used in this section, "change of control" means:

(a) A transfer of voting stock, partnership or member interests which results in giving a person, directly or indirectly, the power to direct the management and policy of a registrant; or

(b) A transfer of at least 25 percent of the outstanding voting stock, partnership or member interests of the licensee.

Sec. 16. A registrant shall:

1. Post in a conspicuous place in every location at which he conducts business under his certificate of registration a notice that states the fees charged for cashing checks or entering into a deferred deposit transaction.

2. Give written notice to each customer of the fees charged for cashing checks or entering into a deferred deposit transaction. The notice must be signed by the customer before any such services are provided.

Sec. 16.5. The commissioner of financial institutions shall adopt the regulations required by section 8.5 of this act not later than July 1, 1998.

Sec. 17. The provisions of this act do not apply to offenses that are committed before July 1, 1998.

Sec. 18. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 19. This act becomes effective upon passage and approval, for the purpose of adopting the regulations necessary to carry out the provisions of this act, and on July 1, 1998, for all other purposes.".

Amend the title of the bill by deleting the first through third lines and inserting: "An Act relating to financial services; requiring the registration of persons who provide check-cashing and deferred deposit services; requiring the commissioner of financial institutions to adopt regulations governing those persons; providing a penalty; and providing other".

Amend the summary of the bill to read as follows: "Summary—Requires registration of persons who provide check-cashing and deferred deposit services. (BDR 52-1322)".

Assemblywoman Buckley moved that the Assembly concur in Senate Amendment No. 1141 to Assembly Bill No. 211.

Remarks by Assemblywoman Buckley.

Motion carried.

The following Senate amendment was read:

Amendment No. 1244.

Amend sec. 8.5, page 2, by deleting lines 17 and 18 and inserting:

"Sec. 8.5. 1. The commissioner may establish by regulation:

(a) The fees that may be imposed by a check-cashing or deferred deposit service for cashing checks or entering into a deferred deposit transaction; and

(b) The penalties that may be imposed by the commissioner for a violation of the provisions of this chapter or the regulations adopted pursuant thereto.

2. The commissioner shall adopt such other regulations as are necessary to carry out the provisions of this chapter.".

Amend sec. 9, page 2, after line 40 by inserting:

"(f) A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

(g) A corporation organized pursuant to the laws of this state that has been continuously and exclusively engaged in a check-cashing service in this state since July 1, 1973.".

Amend sec. 16.5, page 5, line 41, before "section" by inserting: "subsection 2 of".

Assemblywoman Buckley moved that the Assembly concur in Senate Amendment No. 1244 to Assembly Bill No. 211.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

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

Motion carried.

Assembly in recess at 10:36 p.m.

ASSEMBLY IN SESSION

At 11:42 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 194 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 6, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 371, 540, 596.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 414, 464, 484, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 190.

The following Senate amendment was read:

Amendment No. 893.

Amend section 1, page 1, line 2, by deleting the brackets.

Amend section 1, page 1, line 6, by deleting the brackets.

Amend section 1, page 1, by deleting line 15 and inserting:

"4. *The state, its departments, divisions and agencies, an incorporated city, a county and all other political subdivisions of this state, and their employees and agents, are immune from civil liability for damages caused by an alteration or disturbance of a riverbed or flooding sustained as a result of any act or omission by an employee or agent in clearing or causing to be cleared, maintaining or restoring a channel of a river pursuant to this section if the channel is cleared, maintained or restored pursuant to a permit granted by the division of state lands of the state department of conservation and natural resources and such other permits and approvals as are required by law.*

5. As used in this section, "navigable river" means a river or stream".

Amend sec. 2, page 2, line 2 by deleting the brackets.

Amend sec. 3, page 2, line 12, after "channel" by inserting "clearance,".

Amend sec. 3, page 2, line 13, by deleting "$200,000." and inserting "$250,000.".

Amend the bill as a whole by renumbering sec. 4 as sec. 8 and adding new sections designated sections 4 through 7, following sec. 3, to read as follows:

"Sec. 4. There is hereby appropriated from the state general fund to the division of water resources of the state department of conservation and natural resources the sum of $79,800 for repairs and improvements on the South Fork Dam.

Sec. 5. Any remaining balance of the appropriation made by section 4 of this act must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 6. There is hereby appropriated from the state general fund to the division of water resources of the state department of conservation and natural resources the sum of $30,000 for the repair of the South Fork Dam south sluice gate.

Sec. 7. Any remaining balance of the appropriation made by section 6 of this act must not be committed for expenditure after the project has been completed, and reverts to the state general fund as soon as all payments of money committed have been made or by June 30, 1998, whichever occurs earlier.".

Amend the title of the bill to read as follows: "An Act relating to water resources; revising provisions governing the channel clearance, surveying and monumenting program; increasing the amount retained in the account for the program; providing immunity from civil liability to the state and any city, county or other political subdivision for certain actions relating to the program; making an appropriation to the account; making appropriations for repairs and improvements relating to the South Fork Dam; and providing other matters properly related thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes various changes concerning water resources in this state. (BDR 48-1161)".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 190.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 356.

The following Senate amendment was read:

Amendment No. 1206.

Amend sec. 3, page 3, line 38, by deleting "including" and inserting: "including, without limitation,".

Amend sec. 3, page 3, line 41, by deleting "child's welfare;" and inserting: "welfare of the child;".

Amend sec. 3, page 4, by deleting line 7 and inserting:

"(g) The guardian ad litem of the child;".

Amend sec. 3, page 4, line 28, by deleting "[or".

Amend sec. 3, page 4, line 29, before "(n)]" by inserting an open bracket.

Amend sec. 3, page 4, by deleting line 37 and inserting: "alleged to have committed the abuse or neglect; [or

(o)] *(q)* The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court [.".

Amend sec. 3, page 4, line 39, by deleting "*(q)*" and inserting "*(r)*".

Amend sec. 3, page 5, by deleting lines 19 and 20 and inserting:

"*5.* Any person, except for:

(a) The subject of a report;

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

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135,

who is given".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. Section 2 of Senate Bill No. 205 of this session is hereby amended to read as follows:

Sec. 2. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. [Data] *Except as otherwise provided in subsection 2 or 5, data* or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician who has before him a child who he reasonably believes may have been abused or neglected;

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

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

(1) The child; or

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

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

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

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

(g) The guardian ad litem of the child;

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

(i) An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;

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

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

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

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

(n) The person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;

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

(p) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency [which] *that* provides protective services if:

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

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

(q) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court; or

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

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

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

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

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

3. An agency which provides protective services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure of the information would adversely affect any pending investigation concerning the report.

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

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

(a) A copy of:

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

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

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

6. Any person, except for:

(a) The subject of a report;

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

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135,

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

[6.] *7.* The division of child and family services shall adopt regulations to carry out the provisions of this section.".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 356.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 437.

The following Senate amendment was read:

Amendment No. 1043.

Amend sec. 8, page 4, by deleting lines 5 and 6 and inserting: "account at the end of a fiscal year in excess of $2,000,000 must be transferred to the state general fund. Money in the account may be transferred to the secretary of".

Amend the bill as a whole by deleting sections 11 through 14 and the text of the repealed section and adding new sections designated sections 11 through 41, and the leadlines of repealed sections, following sec. 10, to read as follows:

"Sec. 11. Chapter 78 of NRS is hereby amended by adding thereto a new section to read as follows:

An incorporator or officer of a corporation may authorize the secretary of state in writing to replace any page of a document submitted for filing on an expedited basis, before the actual filing, and to accept the page as if it were part of the originally signed filing. The signed authorization of the incorporator or officer to the secretary of state permits, but does not require, the secretary of state to alter the original document as requested.

Sec. 12. NRS 78.039 is hereby amended to read as follows:

78.039 1. The [secretary of state shall refuse to accept for filing the articles of incorporation of any corporation whose name is the same as or deceptively similar to the name of a corporation, limited partnership or limited-liability company existing under the laws of this state or a foreign corporation, foreign limited partnership or foreign limited-liability company authorized to transact business in this state, or a name to which the exclusive right is, at the time, reserved in the manner provided under the laws of this

state,] *name proposed for a corporation must be distinguishable from the names of all other artificial persons organized or registered under chapter 78, 78A, 80, 81, 82, 84, 86, 87, 88 or 89 of NRS whose names are on file in the office of the secretary of state. If a proposed name is not so distinguishable, the secretary of state shall return the articles of incorporation containing the proposed name to the incorporator,* unless the written acknowledged consent of the holder of the registered or reserved name to use the same name or the requested similar name accompanies the articles of incorporation.

2. For the purposes of this section [,] *and NRS 78.040,* a proposed name is not distinguished from a registered or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trade-mark or a trade name or any combination of these.

3. The name of a corporation whose charter has been revoked, whose existence has terminated, which has merged and is not the surviving corporation, or which for any other reason is no longer in good standing in this state is available for use by any other artificial person.

Sec. 13. NRS 78.150 is hereby amended to read as follows:

78.150 1. [Each] *A* corporation organized under the laws of this state shall, [within 60 days] *on or before the first day of the second month* after the filing of its articles of incorporation with the secretary of state, [and annually thereafter on or before the last day of the month in which the anniversary date of its incorporation occurs in each year,] file with the secretary of state a list [of its president, secretary and treasurer and all of its directors and a designation of its resident agent in this state, signed by an officer of the corporation.

2. Upon filing the list of officers and directors and designation of resident agent,] , *on a form furnished by him, containing:*

(a) The name of the corporation;

(b) The file number of the corporation, if known;

(c) The names and titles of all of its required officers and the names of all of its directors;

(d) The mailing or street address, either residence or business, of each officer and director listed, following the name of the officer or director; and

(e) The signature of an officer of the corporation certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year, file with the secretary of state, on a form furnished by him, an amended list containing all of the information required in subsection 1. If the corporation has had no changes in its required officers and directors since its previous list was filed, no amended list need be filed if an officer of the

corporation certifies to the secretary of state as a true and accurate statement that no changes in the required officers or directors has occurred.

3. Upon filing a list of officers and directors, or certifying that no changes have occurred, the corporation shall pay to the secretary of state a fee of $85.

[3.] *4.* The secretary of state shall, 60 days before the last day for filing the annual list required by subsection [1,] *2,* cause to be mailed to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, [the blank forms to be completed and filed with him.] *a notice of the fee due pursuant to subsection 3 and a reminder to file a list of officers and directors or a certification of no change.* Failure of any corporation to receive [the forms] *a notice or form* does not excuse it from the penalty imposed by law.

[4.] *5. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 3 is not paid, the secretary of state may return the list for correction or payment.*

6. An annual list for a corporation not in default which is received by the secretary of state more than 60 days before its due date shall be deemed an amended list for the previous year.

Sec. 14. NRS 78.180 is hereby amended to read as follows:

78.180 1. Except as otherwise provided in subsections 3 and 4, the secretary of state shall reinstate a corporation which has forfeited its right to transact business under the provisions of this chapter and restore to the corporation its right to carry on business in this state, and to exercise its corporate privileges and immunities, if it:

(a) Files with the secretary of state the list [and designation] required by NRS 78.150; and

(b) Pays to the secretary of state:

(1) The annual filing fee and penalty set forth in NRS 78.150 and 78.170 for each year or portion thereof during which its charter was revoked; and

(2) A fee of $50 for reinstatement.

2. When the secretary of state reinstates the corporation, he shall:

(a) Immediately issue and deliver to the corporation a certificate of reinstatement authorizing it to transact business as if the filing fee had been paid when due; and

(b) Upon demand, issue to the corporation one or more certified copies of the certificate of reinstatement.

3. The secretary of state shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 15. NRS 78.185 is hereby amended to read as follows:

78.185 1. Except as otherwise provided in subsection 2, if a [corporation's charter is revoked under the provisions of this chapter or any previous act of the legislature of Nevada and the name of the corporation, or one deceptively similar to it,] *corporation applies to reinstate or revive its charter but its name* has been legally acquired by another corporation [, a limited partnership or a limited-liability company existing under the laws of this state or a foreign corporation, foreign limited partnership or foreign limited-liability company authorized to transact business in this state, or is a name, the exclusive right to which has been reserved in the manner provided under the laws of this state, before the application of the defaulting corporation for reinstatement, the defaulting] *or other artificial person organized or registered under chapter 78, 78A, 80, 81, 82, 84, 86, 87, 88 or 89 of NRS whose name is on file and in good standing with the secretary of state, the* corporation shall in its application for reinstatement submit *in writing* to the secretary of state some other name under which it desires its corporate existence to be reinstated [.] *or revived.* If that name is [sufficiently distinctive and different from any name] *distinguishable from all other names* reserved or otherwise [in use,] *on file and in good standing,* the secretary of state shall issue to the [defaulting] *applying* corporation a certificate of reinstatement *or revival* under that new name.

2. If the [defaulting] *applying* corporation submits the written acknowledged consent of the [corporation, limited partnership or limited-liability company using a] *artificial person having a* name, or the person who has reserved a name, which is [the same as or similar to the defaulting corporation's] *not distinguishable from the* old name *of the applying corporation* or a new name it has submitted, it may be reinstated *or revived* under that name.

3. For the purposes of this section, a proposed name is not distinguished from a name used or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trade-mark or a trade name or any combination of those.

Sec. 16. NRS 78.755 is hereby amended to read as follows:

78.755 1. The secretary of state, for services relating to his official duties and the records of his office, shall charge and collect the fees designated in NRS 78.760 to 78.785, inclusive.

2. The secretary of state may accept the filing of documents by [telecopier] *facsimile machine* and employ new technology, as it is developed, to aid in the performance of all duties required by law. The secretary of state may establish rules, fee schedules and regulations not

inconsistent with law, for filing documents by [telecopier] *facsimile machine* and for the adoption, employment and use of new technology in the performance of his duties.

Sec. 17. Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:

An incorporator or officer of a corporation may authorize the secretary of state in writing to replace any page of a document submitted for filing on an expedited basis, before the actual filing, and to accept the page as if it were part of the originally signed filing. The signed authorization of the incorporator or officer to the secretary of state permits, but does not require, the secretary of state to alter the original document as requested.

Sec. 18. NRS 82.096 is hereby amended to read as follows:

82.096 1. The [secretary of state shall refuse to accept for filing the articles of any corporation whose name is the same as or deceptively similar to the name of a for-profit or nonprofit corporation, limited partnership or limited-liability company existing under the laws of this state or a foreign corporation, foreign limited partnership or foreign limited-liability company authorized to transact business in this state or a name to which the exclusive right is, at the time, reserved in the manner provided under the laws of this state,] *name of a corporation must be distinguishable from the names of all other artificial persons organized or registered under chapter 78, 78A, 80, 81, 82, 84, 86, 87, 88 or 89 of NRS whose names are on file in the office of the secretary of state. If a proposed name is not so distinguishable, the secretary of state shall return the articles of incorporation containing it to the incorporator,* unless the written acknowledged consent of the holder of the registered or reserved name to use the same name or the requested similar name accompanies the articles of incorporation.

2. For the purposes of this section [,] *and NRS 82.101,* a proposed name is not distinguished from a registered or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trade-mark or a trade name, or any combination of these.

3. The name of a corporation whose charter has been revoked, whose existence has terminated, which has merged and is not the surviving corporation, or which for any other reason is no longer in good standing in this state is available for use by any other artificial person.

Sec. 19. NRS 82.141 is hereby amended to read as follows:

82.141 1. [Every corporation must] *A corporation shall* have a resident agent in the manner provided in NRS 78.090, 78.095, [subsections 1 to 4, inclusive, of NRS 78.097 and NRS] *78.097 and* 78.110. The resident agent *and the corporation* shall comply with the provisions of those sections.

2. A corporation [that fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the

provisions of NRS 82.161 and 82.166.] *is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:*

(a) The fee for filing a list is $15;

(b) The penalty added for default is $5; and

(c) The fee for reinstatement is $25.

Sec. 20. NRS 82.531 is hereby amended to read as follows:

82.531 1. The fee for filing articles of incorporation, amendments to or restatements of articles of incorporation, certificates pursuant to NRS 82.061 and section 24 of [this act;] *Senate Bill No. 297 of this session* and documents for dissolution is $25 for each document.

2. Except as otherwise provided in NRS [82.146 and 82.171] *82.141* and subsection 1, the fees for filing documents are those set forth in NRS 78.765 to 78.785, inclusive.

Sec. 21. NRS 82.546 is hereby amended to read as follows:

82.546 1. Any corporation which did exist or is existing pursuant to the laws of this state may, upon complying with the provisions of NRS [82.171,] *78.150 and 82.141,* procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or its existing charter, by filing:

(a) A certificate with the secretary of state, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name and street address of the resident agent of the filing corporation, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(6) (b) A list of its president, secretary and treasurer and all of its directors and their post office box and street addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary, and acknowledged by those officers before

any person authorized by law to administer oaths or affirmations. The certificate must be approved by a majority of the last-appointed surviving directors.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary, and acknowledged by those officers before any person authorized by law to administer oaths or affirmations. The execution and filing of the certificate must be approved unanimously by the last-appointed surviving directors of the corporation and must contain a recital that unanimous consent was secured. The corporation shall pay to the secretary of state the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the secretary of state, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation named therein.

Sec. 22. Chapter 86 of NRS is hereby amended by adding thereto a new section to read as follows:

An organizer, manager or managing member of a limited-liability company may authorize the secretary of state in writing to replace any page of a document submitted for filing on an expedited basis, before the actual filing, and to accept the page as if it were part of the originally signed filing. The signed authorization of the organizer, manager or managing member to the secretary of state permits, but does not require, the secretary of state to alter the original document as requested.

Sec. 23. NRS 86.171 is hereby amended to read as follows:

86.171 1. The name of a limited-liability company formed under the provisions of this chapter must contain the words "Limited-Liability Company," "Limited Company," or "Limited" or the abbreviations "Ltd.," "L.L.C.," "L.C.," "LLC" or "LC." The word "Company" may be abbreviated as "Co."

2. The name [of the company may not be the same as, or deceptively similar to the name of a limited-liability company, limited partnership or corporation existing under the laws of this state or a foreign limited-liability company, foreign limited partnership or foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided under the laws of this state,] *proposed for a limited-liability company must be distinguishable from the names of all other artificial persons organized or registered under chapter 78, 78A, 80, 81, 82, 84, 86, 87, 88 or 89 of NRS whose names are on file in the office of the secretary of state. If a proposed name is not so distinguishable, the secretary of state shall return the articles of organization to the organizer,* unless the written acknowledged consent of the holder of the registered [or

reserved] name to use the same name or the requested similar name accompanies the articles of organization.

3. For the purposes of this section and NRS 86.176, a proposed name is not distinguished from a registered or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trade-mark or a trade name, or any combination of these.

4. The name of a limited-liability company whose charter has been revoked, whose existence has terminated, which has merged and is not the surviving company, or which for any other reason is no longer in good standing is available for use by any other artificial person.

Sec. 24. NRS 86.263 is hereby amended to read as follows:

86.263 1. [Each] *A* limited-liability company shall, on or before the last day of the month in which the anniversary date of its formation occurs , [in each year,] file with the secretary of state , *on a form furnished by him,* a list [of its managers or, if none, its members, and a designation of its resident agent, signed by a manager or, if there is no manager, by a member of the company.

2. Upon filing the list of managers or members and designation of resident agent,] *containing:*

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The mailing or street address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member; and

(e) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall annually thereafter, on or before the last day of the month in which the anniversary date of organization occurs, file with the secretary of state, on a form furnished by him, an amended list containing all of the information required in subsection 1. If the limited-liability company has had no changes in its managers or, if there is no manager, its managing members, since its previous list was filed, no amended list need be filed if a manager or managing member of the limited-liability company certifies to the secretary of state as a true and accurate statement that no changes in the managers or managing members have occurred.

3. Upon filing the list of managers or managing members, or certifying that no changes have occurred, the limited-liability company shall pay to the secretary of state a fee of $85.

[3.] *4.* The secretary of state shall, 60 days before the last day for filing the list required by subsection 1, cause to be mailed to each limited-liability

company required to comply with the provisions of this section, which has not become delinquent, [the blank forms to be completed and filed with him.] *a notice of the fee due under subsection 3 and a reminder to file a list of managers or managing members or a certification of no change.* Failure of any company to receive [the forms] *a notice or form* does not excuse it from the penalty imposed by law.

[4.] *5. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 3 is not paid, the secretary of state may return the list for correction or payment.*

6. An annual list [of managers or members and designation of resident agent] for a limited-liability company not in default received by the secretary of state more than 60 days before its due date shall be deemed an amended list for the previous year.

Sec. 25. NRS 86.276 is hereby amended to read as follows:

86.276 1. Except as otherwise provided in subsections 3 and 4, the secretary of state shall reinstate any limited-liability company which has forfeited its right to transact business under the provisions of this chapter and restore to the company its right to carry on business in this state, and to exercise its privileges and immunities, if it:

(a) Files with the secretary of state the list [and designation] required by NRS 86.263; and

(b) Pays to the secretary of state:

(1) The annual filing fee and penalty set forth in NRS 86.263 and 86.272 for each year or portion thereof during which its charter has been revoked; and

(2) A fee of $50 for reinstatement.

2. When the secretary of state reinstates the limited-liability company, he shall:

(a) Immediately issue and deliver to the company a certificate of reinstatement authorizing it to transact business as if the filing fee had been paid when due; and

(b) Upon demand, issue to the company one or more certified copies of the certificate of reinstatement.

3. The secretary of state shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a company's charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 26. NRS 86.278 is hereby amended to read as follows:

86.278 1. Except as otherwise provided in subsection 2, if a limited-liability [company's charter is revoked under the provisions of this chapter and the name of the limited-liability company, or one deceptively similar to

it,] *company applies to reinstate its charter but its name* has been legally acquired or reserved by another limited-liability company [, a limited partnership or a corporation existing under the laws of this state or foreign limited-liability company, foreign limited partnership or foreign corporation authorized to transact business in this state, or is a name the exclusive right to which has been reserved in the manner provided under the laws of this state, before the application of the defaulting limited-liability company for reinstatement, the defaulting company shall in its application for reinstatement] *or other artificial person organized or registered under chapter 78, 78A, 80, 81, 82, 84, 86, 87, 88 or 89 of NRS whose name is on file and in good standing with the secretary of state, the company shall* submit *in writing* to the secretary of state some other name under which it desires its existence to be reinstated. If that name is [sufficiently distinctive and different from any name] *distinguishable from all other names* reserved or otherwise [in use,] *on file and in good standing,* the secretary of state shall issue to the [defaulting] *applying* limited-liability company a certificate of reinstatement under that new name.

2. If the [defaulting] *applying* limited-liability company submits the written acknowledged consent of the [limited-liability company, corporation or limited partnership using a] *artificial person having the* name, or the person reserving [a] *the* name, which is [the same as or similar to the defaulting limited-liability company's] *not distinguishable from the* old name *of the applying company* or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguished from a name used or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trade-mark or a trade name or any combination of those.

Sec. 27. Chapter 87 of NRS is hereby amended by adding thereto the provisions set forth as sections 28 and 29 of this act.

Sec. 28. *A managing partner of a registered limited-liability partnership may authorize the secretary of state in writing to replace any page of a document submitted for filing on an expedited basis, before the actual filing, and to accept the page as if it were part of the originally signed filing. The signed authorization of the managing partner to the secretary of state permits, but does not require, the secretary of state to alter the original document as requested.*

Sec. 29. *1. Except as otherwise provided in subsection 2, if a registered limited-liability partnership applies to reinstate its right to transact business but its name has been legally acquired by another registered limited-liability partnership or any other artificial person organized or registered under chapter 78, 78A, 80, 81, 82, 84, 86, 87, 88 or 89 of NRS whose name is on file and in good standing with the secretary of*

state, the applying registered limited-liability partnership shall submit in writing to the secretary of state some other name under which it desires its right to transact business to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file and in good standing, the secretary of state shall issue to the applying registered limited-liability partnership a certificate of reinstatement under that new name.

2. If the applying registered limited-liability partnership submits the written acknowledged consent of the artificial person having the name, or the person who has reserved the name, that is not distinguishable from the old name of the applying registered limited-liability partnership or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguished from a name used or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trade-mark or a trade name, or any combination thereof.

Sec. 30. NRS 87.450 is hereby amended to read as follows:

87.450 *1.* The name of a registered limited-liability partnership must contain the words "Limited-Liability Partnership" or "Registered Limited-Liability Partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of the name [.] *and must be distinguishable from the names of all other artificial persons organized or registered under chapter 78, 78A, 80, 81, 82, 84, 86, 87, 88 or 89 of NRS whose names are on file in the office of the secretary of state. If the name of the registered limited-liability partnership on a certificate of registration of limited-liability partnership submitted to the secretary of state is not distinguishable from a name on file, the secretary of state shall return the certificate to the person who signed it unless the written acknowledged consent of the holder of the registered name or reserved name to use the name accompanies the certificate.*

2. For the purposes of this section, a proposed name is not distinguished from a registered or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trade-mark or a trade name, or any combination of these.

3. The name of a registered limited-liability partnership whose right to transact business has been forfeited, whose existence has terminated, which has merged and is not the surviving partnership, or which for any other reason is no longer in good standing in this state is available for use by any other registered limited-liability partnership or other artificial person.

Sec. 31. NRS 87.510 is hereby amended to read as follows:

87.510 1. A registered limited-liability partnership shall annually, [not more than 60 days] *on or* before the last day of the month in which the anniversary date of [its registration occurs, file with the secretary of state a list of the names and business addresses of its managing partners in this state and a designation of its resident agent in this state. The information must be

submitted on a form prescribed by the secretary of state and signed by a managing partner of the registered limited-liability partnership. The form must be accompanied by] *the filing of its certificate of registration of limited partnership or certificate of continuance with the secretary of state occurs, file with the secretary of state, on a form furnished by him, a list containing:*

(a) The name of the registered limited-liability partnership;

(b) The file number of the registered limited-liability partnership, if known;

(c) The names of all of its managing partners;

(d) The mailing or street address, either residence or business, of each managing partner; and

(e) The signature of a managing partner of the registered limited-liability partnership certifying that the list is true, complete and accurate.

2. If the registered limited-liability partnership has had no changes in its managing partners since its previous list was filed, no annual list need be filed if a managing partner certifies to the secretary of state as a true and accurate statement that no changes in the managing partners have occurred.

3. Upon filing the list of managing partners, or certifying that no changes have occurred, the registered limited-liability partnership shall pay to the secretary of state a fee of $85.

[2.] *4.* The secretary of state shall, at least 60 days before the last day for filing the annual list required by subsection 1, cause to be mailed to the registered limited-liability partnership [the form required to be completed and filed with the secretary of state pursuant to this section.] *a notice of the fee due pursuant to subsection 3 and a reminder to file the annual list of managing partners or a certification of no change.* The failure of any registered limited-liability partnership to receive [the] *a notice or* form does not excuse it from complying with the provisions of this section.

[3.] *5. If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 3 is not paid, the secretary of state may return the list for correction or payment.*

6. An annual list that is filed by a registered limited-liability partnership which is not in default more than 60 days before it is due shall be deemed an amended list for the previous year.

Sec. 32. Chapter 88 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 and 34 of this act.

Sec. 33. *A general partner of a limited partnership may authorize the secretary of state in writing to replace any page of a document submitted for filing on an expedited basis, before the actual filing, and to accept the page as if it were part of the originally signed filing. The signed authorization of the general partner to the secretary of state permits, but does not require, the secretary of state to alter the original document as requested.*

Sec. 34. *1. Except as otherwise provided in subsection 2, if a limited partnership applies to reinstate its right to transact business but its name has been legally acquired by another limited partnership or any other artificial person organized or registered under chapter 78, 78A, 80, 81, 82, 84, 86, 87, 88 or 89 of NRS whose name is on file and in good standing with the secretary of state, the applying limited partnership shall submit in writing to the secretary of state some other name under which it desires its right to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file and in good standing, the secretary of state shall issue to the applying limited partnership a certificate of reinstatement under that new name.*

2. If the applying limited partnership submits the written acknowledged consent of the limited partnership or other artificial person having the name, or the person who has reserved the name, that is not distinguishable from the old name of the applying limited partnership or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguished from a name used or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trade-mark or a trade name, or any combination thereof.

Sec. 35. NRS 88.320 is hereby amended to read as follows:

88.320 *1.* The name of [each] *a* limited partnership as set forth in its certificate of limited partnership:

[1.] *(a)* Must contain without abbreviation the words "limited partnership";

[2.] *(b)* May not contain the name of a limited partner unless:

[(a)] *(1)* It is also the name of a general partner or the corporate name of a corporate general partner; or

[(b)] *(2)* The business of the limited partnership had been carried on under that name before the admission of that limited partner;

[3. May not be deceptively similar to, the name reserved or otherwise in use by any corporation, limited partnership or limited-liability company organized under the laws of this state or contemplated to be organized in this state, unless the corporation, limited partnership or limited-liability company already bearing or reserving that name files with the secretary of state its written consent to the use of the similar name by the limited partnership whose certificate is offered for filing;

4. May not be the same as the name reserved or otherwise in use by any corporation or limited partnership organized under the laws of this state or contemplated to be organized in this state; and

5. May not be the same as or deceptively similar to the name reserved or otherwise in use by any foreign corporation, foreign limited partnership or foreign limited-liability company unless the foreign corporation, foreign

limited partnership or foreign limited-liability company already bearing or reserving that name files with the secretary of state its] *and*

(c) Must be distinguishable from the names of all other artificial persons organized or registered under chapter 78, 78A, 80, 81, 82, 84, 86, 87, 88 or 89 of NRS whose names are on file in the office of the secretary of state. If the name on the certificate of limited partnership submitted to the secretary of state is not distinguishable from any name on file, the secretary of state shall return the certificate to the filer, unless the written *acknowledged* consent to the use of the same or the requested similar name [by the limited partnership whose certificate is offered for filing.] *of the holder of the registered or reserved name accompanies the certificate of limited partnership.*

2. For the purposes of this section, a proposed name is not distinguished from a registered or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trade-mark or a trade name, or any combination thereof.

3. The name of a limited partnership whose right to transact business has been forfeited, whose existence has terminated, which has merged and is not the surviving limited partnership, or which for any other reason is no longer in good standing in this state is available for use by any other limited partnership or other artificial person.

Sec. 36. NRS 88.395 is hereby amended to read as follows:

88.395 1. [Each] *A* limited partnership shall [,] *annually,* on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs , [in each year,] file with the secretary of state , *on a form furnished by him,* a list [of its general partners and a designation of its resident agent in this state, signed by a general partner of the limited partnership. The list must, after the name of each general partner listed thereon, set forth his post office box or street address.] *containing:*

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The mailing or street address, either residence or business, of each general partner; and

(e) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

2. If [addresses are not thus stated for all listed partners on any list offered for filing, the secretary of state may refuse to file it, and] the limited partnership [for which the list has been offered for filing is subject to all the provisions relating to failure to file such a list within or at the times specified, unless such a list is subsequently submitted for filing conformably to the provisions of NRS 88.400.] *has had no changes in its general partners*

since its previous list was filed, no amended list need be filed if a general partner certifies to the secretary of state as a true and accurate statement that no changes in the general partners have occurred.

3. *Upon filing the list of general partners, or certifying that no changes have occurred, the limited partnership shall pay to the secretary of state a fee of $85.*

4. The secretary of state shall, 60 days before the last day for filing the list required by subsection 1, cause to be mailed to each limited partnership required to comply with the provisions of this section which has not become delinquent [the blank forms to be completed and filed with the secretary of state.] *a notice of the fee due pursuant to the provisions of subsection 3 and a reminder to file the annual list or a certificate of no change.* Failure of any limited partnership to receive [the forms] *a notice or form* does not excuse it from the penalty imposed by NRS 88.400.

5. *If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the secretary of state may return the list for correction or payment.*

6. *An annual list for a limited partnership not in default that is received by the secretary of state more than 60 days before its due date shall be deemed an amended list for the previous year.*

Sec. 37. NRS 88.410 is hereby amended to read as follows:

88.410 1. Except as otherwise provided in subsections 3 and 4, the secretary of state may:

(a) Reinstate any limited partnership which has forfeited its right to transact business; and

(b) Restore to the limited partnership its right to carry on business in this state, and to exercise its privileges and immunities,

upon the filing with the secretary of state of the list [and designation] required pursuant to NRS 88.395, and upon payment to the secretary of state of the annual filing fee and penalty set forth in NRS 88.395 and 88.400 for each year or portion thereof during which the certificate has been revoked, and a fee of $50 for reinstatement.

2. When payment is made and the secretary of state reinstates the limited partnership to its former rights he shall:

(a) Immediately issue and deliver to the limited partnership a certificate of reinstatement authorizing it to transact business as if the filing fee had been paid when due; and

(b) Upon demand, issue to the limited partnership one or more certified copies of the certificate of reinstatement.

3. The secretary of state shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation occurred only by reason of failure to pay the fees and penalties.

4. If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

Sec. 38. NRS 88.430 is hereby amended to read as follows:

88.430 1. Except as provided in subsection 4, a limited partner is not liable for the obligations of a limited partnership unless he is also a general partner or, in addition to the exercise of his rights and powers as a limited partner, he participates in the control of the business. However, if the limited partner participates in the control of the business, he is liable only to persons who transact business with the limited partnership reasonably believing, based upon the limited partner's conduct, that he is a general partner.

2. A limited partner does not participate in the control of the business within the meaning of subsection 1 solely by doing one or more of the following:

(a) Being a contractor for or an agent or employee of the limited partnership or of a general partner or being an officer, director or shareholder of a general partner that is a corporation;

(b) Consulting with and advising a general partner with respect to the business of the limited partnership;

(c) Acting as surety for the limited partnership guaranteeing or assuming one or more specific obligations of the limited partnership;

(d) Taking any action required or permitted by law to bring or pursue a derivative action in the right of the limited partnership;

(e) Requesting or attending a meeting of partners;

(f) Proposing, approving or disapproving, by voting or otherwise, one or more of the following matters:

(1) The dissolution and winding up of the limited partnership;

(2) The sale, exchange, lease, mortgage, pledge or other transfer of all or substantially all of the assets of the limited partnership;

(3) The incurrence of indebtedness by the limited partnership other than in the ordinary course of its business;

(4) A change in the nature of the business;

(5) The admission or removal of a general partner;

(6) The admission or removal of a limited partner;

(7) A transaction involving an actual or potential conflict of interest between a general partner and the limited partnership or the limited partners;

(8) An amendment to the partnership agreement or certificate of limited partnership; or

(9) Matters related to the business of the limited partnership not otherwise enumerated in this subsection, which the partnership agreement states in writing may be subject to the approval or disapproval of limited partners;

(g) Winding up the limited partnership pursuant to NRS 88.560; or

(h) Exercising any right or power permitted to limited partners under this chapter and not specifically enumerated in this subsection.

3. The enumeration in subsection 2 does not mean that the possession or exercise of any other powers by a limited partner constitutes participation by him in the business of the limited partnership.

4. A limited partner who knowingly permits his name to be used in the name of the limited partnership, except under circumstances permitted by *paragraph (b) of* subsection [2] *1* of NRS 88.320, is liable to creditors who extend credit to the limited partnership without actual knowledge that the limited partner is not a general partner.

Sec. 39. 1. NRS 82.146, 82.151, 82.156, 82.161, 82.166, 82.171 and 82.176 are hereby repealed.

2. NRS 225.160 is hereby repealed.

Sec. 40. At the end of the 1996-1997 fiscal year, the state controller shall transfer the assets and liabilities, to the extent the assets are not encumbered for the 1996-1997 fiscal year, of the revolving account for the office of the secretary of state that is abolished pursuant to subsection 2 of sec. 39 of this act to the state general fund.

Sec. 41. 1. This section, section 3, subsection 2 of section 39 and section 40 of this act become effective on July 1, 1997.

2. Sections 1, 4 to 38, inclusive, and subsection 1 of section 39 of this act become effective on October 1, 1997.

3. Section 2 of this act becomes effective on October 1, 1997, and expires by limitation on July 1, 1999.

LEADLINES OF REPEALED SECTIONS

82.146 Filing of list of officers and directors and designation of resident agent; fee.

82.151 Mailing of forms; early submission deemed amended list.

82.156 Address of each officer and director required on list; effect of noncompliance.

82.161 Defaulting corporations: Identification; penalty.

82.166 Defaulting corporations: Duties of secretary of state; forfeiture; distribution of assets.

82.171 Defaulting corporations: Conditions and procedure for reinstatement.

82.176 Defaulting corporations: Reinstatement under old or new name.

225.160 Revolving account: Creation; use; reimbursement.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 437.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 453.

The following Senate amendment was read:

Amendment No. 1082.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting:

"*2. The apportionments to a school district may be adjusted during a fiscal year by the department of education, upon approval by the board of examiners and the interim finance committee, if the department of taxation and the county assessor in the county*".

Amend section 1, page 1, line 20, after "*increased* " by inserting: "*in accordance with the provisions of this subsection*".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 453.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 484.

The following Senate amendment was read:

Amendment No. 1256.

Amend sec. 3, page 2, line 34, by deleting "writing [,]" and inserting "writing,".

Amend sec. 3, page 2, by deleting line 42 and inserting: "As used in this [paragraph,] *subsection,* "day of service" means the".

Amend sec. 3, page 3, line 6, by deleting "[2.] *3.*" and inserting "2.".

Amend sec. 3, page 3, by deleting line 21 and inserting:

"3. A notice served pursuant to subsection 1 or 2 must:".

Amend sec. 3, page 3, line 28, by deleting the open bracket.

Amend sec. 3, page 3, line 31, by deleting the closed bracket.

Amend sec. 3, page 3, by deleting line 33 and inserting:

"(a) The landlord or his agent may apply by affidavit *of complaint for eviction* to the justice's".

Amend sec. 3, page 4, line 16 by deleting "[3] *4,*" and inserting "3 ,".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 484.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 523.

The following Senate amendment was read:

Amendment No. 929.

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. Section 1 of chapter 477, Statutes of Nevada 1995, at page 1529, is hereby amended to read as follows:

Section 1. There is hereby appropriated from the state general fund to the department of education *the sum of $511,677* to develop and carry out a new high school proficiency examination . [:

For the fiscal year 1995-96 ..... $295,606

For the fiscal year 1996-97 ..... $216,071]

Sec. 3. Section 2 of chapter 477, Statutes of Nevada 1995, at page 1529, is hereby amended to read as follows:

Sec. 2. [The sums appropriated] *Any remaining balance of the appropriation made* by section 1 of this act [are available for either fiscal year. Any balance of those sums] must not be committed for expenditure after June 30, [1997,] *1999,* and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 4. 1. The high school proficiency examination developed with the money appropriated pursuant to section 1 of chapter 477, Statutes of Nevada 1995, at page 1529, must be administered to all pupils enrolled in grade 11 during the school year that begins in 1997.

2. The score required to pass that examination must be:

(a) Set at a moderate level for pupils to whom the examination is administered during the school year that begins in 1997; and

(b) Increased to a higher level for pupils to whom the examination is administered during subsequent school years, except that the score required to pass the examination must not be increased for pupils who failed to pass the examination administered during the school year that begins in 1997 and to whom the examination is again administered during a subsequent school year.".

Amend the title of the bill, fourth line, by deleting "appropriation;" and inserting: "money; establishing certain requirements for the administration of those examinations;".

Amend the summary of the bill, second line, by deleting "appropriation" and inserting "appropriations".

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 523.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 524.

The following Senate amendment was read:

Amendment No. 1052.

Amend section 1, page 1, line 1, by deleting "1. The" and inserting: "1. Except as otherwise provided in subsection 5, the".

Amend section 1, page 1, after line 20, by inserting:

"5. The provisions of this section do not require the development or approval of criteria for a business plan for use by a state agency for a project to construct a highway or any other public work.".

Amend the title of the bill to read as follows: "An Act relating to state financial administration; requiring the development of criteria for certain business plans for use in future state budget processes; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "business plan" and inserting: "certain business plans".

Assemblywoman Evans moved that the Assembly concur in the Senate amendment to Assembly Bill No. 524.

Remarks by Assemblywoman Evans.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 602.

The following Senate amendment was read:

Amendment No. 1167.

Amend the bill as a whole by renumbering sections 4 through 6 as sections 6 through 8 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. 1. There is hereby appropriated from the state general fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of $6,894 for personal equipment for the personnel of the Division.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 5. For the fiscal year 1996-1997, the Director of the Department of Administration may loan an amount not to exceed $1,250,000 from the state general fund to the budget account for fire suppression and emergency response of the Division of Forestry of the State Department of Conservation and Natural Resources. The loan must be repaid as reimbursements are received by the Division of Forestry from the Federal Government for services provided by the Division, but not later than August 27, 1999.".

Amend sec. 6, page 2, by deleting lines 23 and 24 and inserting:

"Sec. 8. This act becomes effective on June 30, 1997.".

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "specifying its use; making appropriations for new and replacement equipment, for the replacement of a certain hanger door at the Minden airport and for personal equipment; authorizing the Director of the Department of Administration to make a loan from the state general fund to the budget account for fire suppression and emergency response of the Division of Forestry; and providing".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 602.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 662.

The following Senate amendment was read:

Amendment No. 1193.

Amend sec. 2, page 2, line 16, by deleting the comma and inserting: "and visually impaired,".

Amend sec. 12, page 5, line 8, after "instruction," by inserting: "*the director of the department of employment, training and rehabilitation,*".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 662.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 414.

The following Senate amendment was read:

Amendment No. 1192.

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

"Sec. 6.5. NRS 293.327 is hereby amended to read as follows:

293.327 1. If a request for an absent ballot is made by a registered voter in person, a city clerk shall issue an absent ballot to the registered voter, and the ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. At least 25 days before a primary or general city election until 5:00 p.m. [the day] *on:*

(a) The Friday before the election; or

(b) If the office of a city clerk is not scheduled to be open on the Friday before the election, the Thursday before the election,

each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued absent ballots in accordance with this section.".

Amend sec. 22, page 10, by deleting lines 9 and 10 and inserting: "clerk within the designated territory on or before the [date on which a certificate of candidacy for a candidate of a major political party must be filed pursuant to NRS 293.180.] *third Monday in May preceding the election.*".

Amend the bill as a whole by deleting sections 25 through 27 and inserting:

"Secs. 25-27. (Deleted by amendment.)".

Amend sec. 32, page 16, line 41, by deleting "*county*" and inserting "*city*".

Amend sec. 35, page 19, line 20, by deleting "an" and inserting "a regular".

Amend sec. 35, page 19, line 22, by deleting: "January 1" and inserting: "the first Monday in May".

Amend sec. 35, page 19, line 23, by deleting "second Tuesday" and inserting "third Monday".

Amend the bill as a whole by adding new sections designated sections 38.1 through 38.6, following sec. 38, to read as follows:

"Sec. 38.1. Section 3 of Senate Bill No. 447 of this session is hereby amended to read as follows:

Sec. 3. 1. A primary city election must be held in each city of the first class, and in each city of the second class that has so provided by ordinance, on the first Tuesday after the first Monday in May of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. If, in a primary city election held in a city of the first or second class, one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate, his name alone must be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two

candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 38.2. Section 5 of Senate Bill No. 447 of this session is hereby amended to read as follows:

Sec. 5. 1. A general city election must be held in each city of the third class on the first Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter, as determined by ordinance.

2. There must be one mayor and three or five councilmen, as the city council shall provide, by ordinance, for each city of the third class. The terms of office of the mayor and the councilmen are 4 years, which terms must be staggered. The mayor and councilmen elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years. If a city council thereafter increases the number of councilmen, it shall, by lot, stagger the initial terms of the additional members.

3. A candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for councilmen must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 38.3. Section 11 of Senate Bill No. 447 of this session is hereby amended to read as follows:

Sec. 11. 1. The conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards, and do all other things required to carry the election into effect.

2. Early voting in a city election may be conducted pursuant to the provisions of NRS 293.356 to 293.361, inclusive.

Sec. 38.4. Section 107 of Senate Bill No. 447 of this session is hereby amended to read as follows:

Sec. 107. NRS 293.250 is hereby amended to read as follows:

293.250 1. The secretary of state shall, in a manner consistent with the election laws of this state, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, pollbooks, registers, rosters, statements and abstracts required by the election laws of this state.

(b) The procedure to be followed when a computer is used to register voters and to keep records of registration.

2. He shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the state.

(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his county.

3. He shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for and explanation of each proposed constitutional amendment or statewide measure, including arguments for and against it, must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the secretary of state, upon consultation with the attorney general. They must be in easily understood language and of reasonable length, and whenever feasible must be completed by April 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county [or city] clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 38.5. Section 170 of Senate Bill No. 447 of this session is hereby amended to read as follows:

Sec. 170. Section 5.020 of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 462, Statutes of Nevada 1993, at page 1468, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election [shall] *must* file [an affidavit] *a declaration* of candidacy with the city clerk. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing his [affidavit] *declaration* of candidacy, a filing fee of $25 . [for filing an affidavit of candidacy.] All filing fees so collected by the city clerk must be deposited to the credit of the general fund of the city.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the first Tuesday in September preceding the general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election.

3. In the primary election:

(a) The names of the two candidates for municipal judge, city attorney, or a particular city council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) Candidates for councilman who represent a specific ward must be voted upon only by the registered voters of that ward.

(c) Candidates for mayor and councilman at large must be voted upon by all registered voters of the city.

4. The mayor and all councilmen must be voted upon by all registered voters of the city at the general election.

Sec. 38.6. Section 171 of Senate Bill No. 447 of this session is hereby amended to read as follows:

Sec. 171. Section 5.020 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 24, Statutes of Nevada 1987, at page 61, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections: Declaration of candidacy.

1. If for any general municipal election there are three or more candidates for the offices of mayor, city attorney or municipal judge [,] or three or more candidates from each ward to represent the ward as a member of the city council, a primary election for that office must be held on the [1st] *first* Tuesday after the [1st] *first* Monday in May preceding the general election.

2. Candidates for the offices of mayor, city attorney and municipal judge must be voted upon by the registered voters of the city at large. Candidates to represent a ward as a member of the city

council must be voted upon by the registered voters of the ward to be represented by them.

3. The names of the two candidates for mayor, city attorney and municipal judge and the names of the two candidates to represent the ward as a member of the city council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.".

Amend the bill as a whole by deleting sec. 39 and the text of the repealed section and inserting: "Sec. 39. (Deleted by amendment.)".

Amend sec. 42, page 23, by deleting line 12 and inserting:

"Sec. 40. 1. This section and sections 1 to 21, inclusive, and 23 to 39, inclusive, of this act become effective on July 1, 1997.

2. Section 22 of this act becomes effective at 12:01 a.m. on July 1, 1997.".

Amend the title of the bill, fifth line, after "election;" by inserting: "revising the period during which a city clerk is required to provide a voting booth on the premises of his office for voting certain absent ballots;".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 414.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 113, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Arberry, Perkins and Hettrick as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 113.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 474 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Krenzer requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. Assembly Bill 663 and Senate Bill 291 have both passed each house of this legislature. Together, they address concerns brought forth to this legislature from injured workers and employers regarding the length of time of a hearing for workers' compensation. I would like to note for the record that section 2, subsection 4, of Senate Bill 291 is intended to require that a hearing occur within 90 days of filing a notice of appeal unless otherwise authorized by state law. This measure clarifies a long-standing confusion about the procedures and will ultimately decrease delays in the appeals hearing process by confirming that the hearing will be set and occur within 90 days unless continued by the proper procedures established under the law. Assembly Bill 663 allows the hearings division to sanction anyone for failure to comply with these requirements.

Assemblyman Perkins moved that the Assembly adjourn until Monday, July 7, 1997 at 12:30 a.m.

Motion carried.

Assembly adjourned at 11:55 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-NINTH DAY

CARSON CITY (Monday), July 7, 1997

Assembly called to order at 12:58 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Freeman, who was excused.

Prayer by Assemblyman Amodei.

Dear God, I've never come to You this publicly before, but it is at this point necessary that You lend my Assembly brothers and sisters Your strength and guidance. In our final hours, Lord, we thank You for granting the 42 members of the Silver State's Assembly the privilege of serving together. Regardless of what is stereotyped and generalized about our collective lot, we are humbled and honored to be given the distinct privilege of serving. Please take care of our colleague, Vivian Freeman, and see that she feels better soon. Make sure that my new friends arrive back at their homes safely in the coming days.

Lord, grant those wayward souls at the north end of the building the insight to recognize the wisdom of the path chosen by the People's House in all matters presently pending. And finally, Lord, please take away all their blue Zerox paper and ink cartridges so that they cannot amend any more legislation. In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 6, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Donnell, Washington and Neal as a first Committee on Conference concerning Senate Bill No. 430.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, July 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Senate Bill No. 38.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 424.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 5, 208, 253, 488.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 616.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Committee on Conference concerning Senate Bill No. 38, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be receded from.

WENDELL P. WILLIAMS	
MARK AMODEI	MARK A. JAMES
DARIO HERRERA	JOHN B. REGAN
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Herrera moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 38.

Remarks by Assemblymen Herrera and Bache.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 424, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 23, which is attached to and hereby made a part of this report.

BOB PRICE	ANN O'CONNELL
JOAN A. LAMBERT	DEAN A. RHOADS
JOHN J. MORTENSON	JOHN B. REGAN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 23.

Amend section 1, page 2, by deleting line 32 and inserting: "12. To the release *or reduction* of a [sales tax] bond *required by the department* in accordance with".

Assemblyman Price moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 424.

Remarks by Assemblyman Price.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 194.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Senate Bill No. 194:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 220.

Bill read third time.

Remarks by Assemblymen Williams and Hickey.

Roll call on Senate Bill No. 220:

YEAS — 39.

NAYS — de Braga, Neighbors — 2.

Excused — Freeman.

Senate Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 316.

Bill read third time.

Remarks by Assemblymen Williams and Cegavske.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. Senate Bill 316 requires that school district boards of trustees establish a plan for the training and certification of certain teachers and other educational personnel in the administration of cardiopulmonary resuscitation. The measure requires that the plan provide for the training, certification, and recertification of physical education teachers. Further, plans may also provide for training and certification of other personnel. The bill specifies that each district's plan must include a time line and the resources needed to achieve the goal of certifying those personnel. Finally, the bill clarifies that teachers and other personnel who are certified to administer CPR are covered by Nevada's Good Samaritan statutes and are not liable for civil damages in the event they perform CPR on school property.

This particular piece of legislation has received quite a bit of attention, mainly because of the unfortunate loss of a student in Henderson, Nevada, who lost her life while participating in a physical education class. I would like to express my sincere condolences to the family who has endured and followed this legislation.

We are sensitive to the fact that the Curtises were severely affected by this particular issue; however, this bill should remain separate from that tragedy. I'd like to note for the record that there is a lawsuit pending against the Clark County School District as a result of that incident, and this legislation should in no way be any indication in support of that lawsuit or against that lawsuit. It stands on its own merits.

The fiscal note is now removed from the bill, and I think we have a better bill. The committee amended it today. With the work of members of the Committee on Education and other members of this body, I think that we now have a bill that allows the school districts the flexibility to develop plans that will meet their different needs. The bill mandates that the plan be in place by September of 1998, but it does not mandate that all school personnel go through a particular curriculum. Despite the emotionalism that accompanied this bill, I think we have been able to craft a good bill that will work for Nevada. I urge my colleagues to support this measure.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I rise in support of SB 316. As members of the Nevada legislature, we have the unique opportunity to help enact laws that benefit Nevadans—laws that protect, define, and enable. Often a law that could help prevent a tragedy from occurring is not in place when it is needed. As representatives, we derive great personal satisfaction when we can facilitate passing laws that may prevent personal loss and tragedy such as that suffered by the Curtis family in Henderson. In January, 1995, 13-year-old Kimberly Curtis suffered a heart attack at White Middle School. Unfortunately, teachers responding to Kimberly's collapse were not trained in CPR and were unable to initiate the process. By the time the school nurse arrived to begin to administer CPR, it was too late. Emergency personnel responding to the crisis were unable to save Kimberly's life. Too much time had elapsed before CPR was begun.

Ruth and George Curtis, Kimberly's parents, have worked diligently to ensure that trained and certified personnel will be on the scene if and when this happens to another Nevada student. SB 316 is a measure which will empower the school districts to provide training and certification in cardiopulmonary resuscitation to certain educational personnel. With SB 316, certain school personnel will have the tools to prevent similar tragedies. For George and Ruth Curtis, SB 316 offers little relief or solace, only the personal satisfaction of knowing that their crusade to ensure that some teachers are trained in CPR will save lives of other children.

SB 316 is one of those pieces of legislation that serves to remind me that it is worth all the effort. For Nevadans, SB 316 is good legislation that can protect the lives of our school children and others during school hours.

I thank you and urge your support.

Roll call on Senate Bill No. 316:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 444.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 444:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 474.

Bill read third time.

Remarks by Assemblyman Herrera.

Roll call on Senate Bill No. 474:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 574 be taken from the Unfinished Business File and re-referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 525, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 27, which is attached to and hereby made a part of this report.

JOHN C. CARPENTER	ANN O'CONNELL
CHRIS GIUNCHIGLIANI	DEAN A. RHOADS
JOAN A. LAMBERT	JOHN B. REGAN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 27.

Amend the bill as a whole by deleting sec. 27.3 and inserting:

"Sec. 27.3. (Deleted by amendment.)".

Amend the title of the bill by deleting the seventh through ninth lines and inserting: "certain taxes on motor vehicle fuel; and providing other matters properly relating thereto.".

Assemblyman Carpenter moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 525.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:32 a.m.

ASSEMBLY IN SESSION

At 3:13 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 387, 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 99 be placed on the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 225, 486, 622 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 523 and requests a conference, and appointed Senators Rawson, Jacobsen and Mathews as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, Raggio and Adler as a first Committee on Conference concerning Senate Bill No. 113.

MARY JO MONGELLI
Assistant Secretary of the Senate

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 99 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Senate Bill No. 99.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1279.

Amend sec. 2, page 2, line 22, by deleting "*207.190*" and inserting: "*section 92 of Senate Bill No. 325 of this session.*".

Amend sec. 5, page 4, by deleting lines 20 through 30 and inserting:

"(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290;

(f) The results of the evaluation of the defendant conducted pursuant to NRS 484.3796, if an evaluation is required pursuant to that section;

(g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;

(h) A recommendation, if the division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176.2248; [and]

(i) *A written report of the results of a psychosexual evaluation of the defendant, if the defendant is convicted of a sexual offense; and*

(j) Such other information as may be required by the court.".

Amend the bill as a whole by deleting sec. 6 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. 1. There is hereby appropriated from the state general fund to the division of parole and probation of the department of motor vehicles and public safety for carrying out the provisions of this act:

For the fiscal year 1997-1998 ..... $29,122

For the fiscal year 1998-1999 ..... $16,283

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the bill as a whole by adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. 1. This section and section 6 of this act become effective on July 1, 1997.

2. Sections 1 to 5, inclusive, 7 and 8 of this act become effective on October 1, 1997.".

Amend the title of the bill, second line, after "evaluation;" by inserting "making appropriations;".

Amend the summary of the bill, second line, by deleting the period and inserting: "and makes appropriations to carry out provisions of this act.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 486.

The following Senate amendment was read:

Amendment No. 1275.

Amend the bill as a whole by deleting sections 1 through 32 and adding new sections designated sections 1 through 33, following the enacting clause, to read as follows:

"Section 1. NRS 385.347 is hereby amended to read as follows: 385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the schools and the educational achievement of the pupils in the district.

2. The board of trustees of each school district shall, on or before March 31 of each year, report to the residents of the district concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8 and 11 for each school in the district and the district as a whole. Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and shall compare the results of those examinations for the current school year with those of previous school years. In addition, the board shall also report the results of other examinations of pupil achievement administered to each pupil in the school district in grades other than 4, 8 and 11. The results of these examinations for the current school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, the average class size for each required course of study for each secondary school in the district and the district as a whole, and other data concerning licensed and unlicensed employees of the school district.

(d) A comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher, for each school in the district and the district as a whole.

(e) The total expenditure per pupil for each school in the district and the district as a whole.

(f) The curriculum used by the school district, including any special programs for pupils at an individual school.

(g) [Records] *The annual rate* of the attendance and truancy of pupils in all grades, for each school in the district and the district as a whole.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole.

(i) Efforts made by the school district and by each school in the district to increase communication with the parents of pupils in the district.

(j) Records of incidents involving weapons or violence for each school in the district.

(k) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(l) The transiency rate of pupils for each school in the district and the district as a whole.

(m) Each source of funding for the school district.

(n) Such other information as is directed by the superintendent of public instruction.

3. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of:

(1) The Nevada State Education Association;

(2) The Nevada Association of School Boards;

(3) The Nevada Association of School Administrators; and

(4) The Nevada Parent Teachers Association,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

4. On or before April 15 of each year, the board of trustees of each school district shall submit to the state board *and the department* the report made pursuant to subsection 2. On or before *April 15 of each year, the board of trustees of each school district shall submit to the advisory board to review school attendance created in the county pursuant to section 4 of this act the information required in paragraph (g) of subsection 2. On or before* June 15

of each year, the board of trustees of each school district shall submit to the state board [:] *and the department:*

(a) A separate report summarizing the effectiveness of the district's program of accountability during the school year; and

(b) A description of the efforts the district has made to correct deficiencies identified in the report submitted pursuant to paragraph (a).

5. On or before February 1 of each year, the superintendent of public instruction shall analyze the information submitted to the state board and report to the legislature concerning the effectiveness of the programs of accountability adopted pursuant to this section. In even-numbered years, the report must be submitted to the legislative commission.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this act.

Sec. 3. *The board of trustees of each school district shall adopt rules that require each public school in the district to include the accounting of attendance and, if feasible, tardiness of a pupil on each report card or other report of progress of the pupil. The report card or other report of progress must indicate the number of absences, if any, for the period covered by the report card or other report of progress.*

Sec. 4. *1. There is hereby created in each county at least one advisory board to review school attendance. The membership of each such board may consist of:*

(a) One probation officer in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(b) One representative of a law enforcement agency in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(c) One representative of the district attorney for the county, appointed by the district attorney;

(d) One parent or legal guardian of a pupil who is enrolled in a public school in the county, appointed by the president of the board of trustees of the school district;

(e) One member of the board of trustees of the school district, appointed by the president of the board of trustees;

(f) One school counselor or school teacher employed by the school district, appointed by an organization or association that represents licensed educational personnel in the school district;

(g) One deputy sheriff in the county, appointed by the sheriff of the county; and

(h) One representative of the local office of the division of child and family services of the department of human resources, appointed by the executive head of that office.

2. The members of each such board shall elect a chairman from among their membership.

3. Each member of such a board must be appointed for a term of 2 years. A vacancy in the membership of the board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Each member of such a board serves without compensation, except that, for each day or portion of a day during which a member of the board attends a meeting of the board or is otherwise engaged in the business of the board, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The board of trustees of the school district shall pay the per diem allowance and travel expenses from the general fund of the school district.

Sec. 5. *The board of trustees of each school district shall provide administrative support to the advisory board to review school attendance created for its county pursuant to section 4 of this act.*

Sec. 6. *1. Each advisory board to review school attendance created pursuant to section 4 of this act shall:*

(a) Review the records of the rate of attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district pursuant to subsection 4 of NRS 385.347;

(b) Identify factors that contribute to the rate of truancy of pupils in the school district;

(c) Establish programs to reduce the rate of truancy of pupils in the school district;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants and the issuance of citations pursuant to section 7 of this act; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. An advisory board to review school attendance created in a county pursuant to section 4 of this act may use the money appropriated pursuant to section 31 of this act and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district.

The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the rate of truancy of pupils in the school district.

Sec. 7. *1. The principal of a school shall report to the appropriate local law enforcement agency the name of any pupil enrolled in that school who is a habitual truant.*

2. Upon receipt of such a report, if it appears after investigation that the pupil is a habitual truant, the law enforcement agency shall prepare a written citation directing the pupil to appear in the proper juvenile court.

3. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

4. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

Sec. 8. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without [a valid excuse acceptable to] *the written approval of* his teacher or the principal of the school [.] *, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.*

2. Absence for any part of a day shall be deemed [absence for the entire day within the meaning] *a truancy for the purposes* of this section.

3. [The] *If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing within 3 days after the pupil returns to school.*

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, *legal* guardian or other person having control or charge of the child. *The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the department.*

5. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 9. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child [shall] *who has been declared a truant three or more times within one school year must* be declared [an] *a* habitual truant .

[who shall have been deemed a truant three or more times within the school year.]

2. Any child who has once been declared [an] *a* habitual truant and who in an immediately succeeding year is absent from school without [a valid excuse] *the written:*

(a) Approval of his teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

may again be declared [an] *a* habitual truant.

Sec. 10. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child [,] *who is 17 years of age or younger* for violation of any of the provisions of NRS *392.040 to 392.110, inclusive, or* 392.130 to 392.160, inclusive, [or 392.040 to 392.110, inclusive.] *and sections 3 to 7, inclusive, of this act.*

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 11. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child *who is 17 years of age or younger* has violated any of the provisions of NRS *392.040 to 392.110, inclusive, or* 392.130 to 392.160, inclusive, [or 392.040 to 392.110, inclusive,] *and sections 3 to 7, inclusive, of this act,* the clerk of the board of trustees, except as *otherwise* provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 12. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, *school administrator,* school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child *who is 17 years of age or younger* and who violates any of the provisions of law requiring the attendance of children in the public schools of this state.

Sec. 13. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to 392.110, inclusive, or 392.130 to 392.165, inclusive [:] *, and sections 3 to 7, inclusive, of this act:*

1. Makes a false statement concerning the age or attendance at school;

2. Presents a false birth certificate or record of attendance at school; or

3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

of a child under 17 years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 14. Chapter 62 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other action authorized pursuant to the provisions of this chapter, if a child is found to be in need of supervision because he is a habitual truant, the court shall:

(a) The first time the child is found to be in need of supervision because he is a habitual truant:

(1) Order the child to pay a fine of not more than $100 pursuant to paragraph (l) of subsection 1 of NRS 62.211 and the administrative assessment required by NRS 62.223; and

(2) If the child is 14 years of age or older, order the suspension of the child's driver's license for 30 days. If the child does not possess a driver's license, the court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date he becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is found to be in need of supervision because he is a habitual truant:

(1) Order the child to:

(I) Pay a fine of not more than $200 pursuant to paragraph (l) of subsection 1 of NRS 62.211 and the administrative assessment required by NRS 62.223;

(II) Perform not more than 10 hours of community service in compliance with the provisions of subsection 3; or

(III) Comply with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the child's driver's license for 60 days. If the child does not possess a driver's license, the court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date he becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days after the imposition of the fine, or has a valid excuse acceptable to his teacher or the principal for any absence from school within that period.

3. The community service ordered pursuant to subsection 1 must be performed:

(a) For and under the supervising authority of a county, city, town or other political subdivision or agency of this state or a charitable organization that renders service to the community or its residents; and

(b) At the child's school of attendance, if practicable.

4. If the court issues an order suspending a child's driver's license pursuant to subsection 1, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order.

5. If the court issues an order delaying the ability of a child to apply for a driver's license pursuant to subsection 1, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order.

6. The department of motor vehicles and public safety shall report a suspension pursuant to subsection 1 to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

7. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to subsection 1.

Sec. 15. NRS 62.132 is hereby amended to read as follows:

62.132 [In]

1. Except as otherwise provided in subsection 2, in addition to the information required pursuant to NRS 62.130, a petition alleging that a child is in need of supervision must contain a list of the local programs to which the child was referred, and other efforts taken in the community, to modify the child's behavior. [No] *Except as otherwise provided in subsection 2, no* court may decree that a child is in need of supervision unless it expressly finds that reasonable efforts were taken in the community to assist the child in ceasing the behavior for which he is alleged to be in need of supervision.

2. The provisions of this section do not apply to a child alleged to be in need of supervision because he is a habitual truant.

Sec. 16. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 [,] *and section 14 of this act,* if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 17 years of age, order the parent, guardian or custodian of the child, and any brothers, sisters or other persons living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, alone or together with the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the

court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. Except as otherwise provided in section 90.8 of [this act,] *Senate Bill No. 325 of this session,* at any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 17. NRS 62.212 is hereby amended to read as follows:

62.212 1. [If] *Except as otherwise provided in subsection 3, if* the court finds that a child is within the purview of paragraph (a) of subsection 1 of NRS 62.040 and has not previously been the subject of a complaint under

NRS 62.128 before committing the acts for which the petition was filed, the court shall:

(a) Admonish the child to obey the law and to refrain from repeating the acts for which the petition was filed, and maintain a record of the admonition; and

(b) Refer the child, without adjudication, to services available in the community for counseling, behavioral modification and social adjustment.

[A] *Except as otherwise provided in subsection 3, a* child must not be adjudicated to be a child in need of supervision unless a subsequent petition based upon additional facts is filed with the court after admonition and referral pursuant to this subsection.

2. A child who is:

(a) Less than 12 years of age must not be committed to or otherwise placed in the Nevada youth training center or the Caliente youth center.

(b) Not adjudicated to be delinquent must not be committed to or otherwise placed in the Nevada youth training center, the Caliente youth center or any other facility that provides correctional care.

3. The provisions of subsection 1 do not apply to a child alleged to be in need of supervision because he is a habitual truant.

Sec. 18. NRS 62.385 is hereby amended to read as follows:

62.385 1. When a child applies for a driver's license, the department of motor vehicles and public safety shall notify the child of the provisions of paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226, 62.227 and 62.228 and sections 2 and 3 of [this act.] *Assembly Bill No. 176 of this session and section 14 of this act.*

2. After providing the notice pursuant to subsection 1, the department shall require the child to sign an affidavit acknowledging that he is aware that his driver's license may be suspended or revoked pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226, 62.227 or 62.228 or section 2 of [this act.] *Assembly Bill No. 176 of this session or section 14 of this act.*

Sec. 19. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by statute, the department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377 or NRS 484.3795 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance.

(2) A third or subsequent violation within 7 years of NRS 484.379.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the department under NRS 483.010 to 483.630, inclusive, or under any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484.379 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484.379.

2. The department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege.

3. When the department is notified by a court that a person who has been convicted of violating NRS 484.379 has been permitted to enter a program of treatment pursuant to NRS 484.3794, the department shall reduce by half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The department shall revoke the license, permit or privilege of a driver who is required to install a device pursuant to NRS 484.3943 but operates a motor vehicle without such a device:

(a) For 1 year if it is his first such offense during the period of required use of the device.

(b) For 5 years if it is his second such offense during the period of required use of the device.

5. When the department is notified that a court has:

(a) Pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226 or 62.228, or section 2 of [this act,] *Assembly Bill No. 176 of this session or section 14 of this act,* ordered the suspension or delay in issuance of a child's license;

(b) Pursuant to NRS 206.330, ordered the suspension or delay in issuance of a person's license; or

(c) Pursuant to NRS 62.227, ordered the revocation of a child's license,

the department shall take such actions as are necessary to carry out the court's order.

Sec. 20. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in subsections 2 and 3, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 and half the period during which the driver is not eligible for a license has expired, the department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. After a driver's license has been revoked pursuant to subsection 1 of NRS 62.227 or suspended pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226 or 62.228, or section 2 of [this act,] *Assembly Bill No. 176 of this session or section 14 of this act,* the department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; and

(b) If applicable, to and from school.

3. After a driver's license has been suspended pursuant to NRS 483.443, the department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; and

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

4. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor, and if his license was suspended or revoked for a violation of NRS 484.379, 484.3795, 484.384 or a homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same conduct, he shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

5. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

6. Whenever the department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 21. NRS 483.495 is hereby amended to read as follows:

483.495 The department shall by regulation:

1. Except as otherwise provided in paragraph (h) of subsection 1 of NRS 62.211, NRS 62.227 , [and] section 3 of [this act,] *Assembly Bill No. 176 of this session and subsection 7 of section 14 of this act,* set forth any tests and other requirements which are a condition for the reinstatement of a license after any suspension, revocation, cancellation or voluntary surrender of the license. The tests and requirements:

(a) Must provide for a fair evaluation of the ability of a person to operate a motor vehicle; and

(b) May allow for the waiver of certain tests or requirements as the department deems necessary.

2. Set forth the circumstances under which the administrator may, for good cause shown, rescind the revocation, suspension or cancellation of a license, or shorten the period for the suspension of a license.

Sec. 22. NRS 483.580 is hereby amended to read as follows:

483.580 A person shall not cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any highway when the minor is not authorized under the provisions of NRS 483.010 to 483.630, inclusive, or is in violation of any of the provisions of NRS 483.010 to 483.630, inclusive, or if his license is revoked or suspended pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226, 62.227 or 62.228 or section 2 of [this act.] *Assembly Bill No. 176 of this session or section 14 of this act.*

Sec. 23. Section 2 of Assembly Bill No. 39 of this session is hereby amended to read as follows:

Sec. 2. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212 , [and] section 14 of [this act,] *Assembly Bill No. 486 of this session and section 1 of this act,* if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of

supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 17 years of age, order the parent, guardian or custodian of the child, and any brothers, sisters or other persons living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, alone or together with the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of

the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. Except as otherwise provided in section 90.8 of Senate Bill No. 325 of this session, at any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 24. Section 1 of Senate Bill No. 207 of this session is hereby amended to read as follows:

Section 1. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212, section 14 of Assembly Bill No. 486 of this session and section 1 of [this act,] *Assembly Bill No. 39 of this session,* if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of

supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than [17] *18* years of age, order [the] *:*

(1) The parent, guardian or custodian of the child [, and any brothers, sisters] *; and*

(2) Any brother, sister or other [persons] *person who is* living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, [alone or together] with *or without* the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse , or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. Except as otherwise provided in section 90.8 of Senate Bill No. 325 of this session, at any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 25. Section 11 of Senate Bill No. 102 of this session is hereby amended to read as follows:

Sec. 11. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212, section 14 of Assembly Bill No. 486 of this session and section 1 of Assembly Bill No. 39 of this session, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may

determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. Except as otherwise provided in section 90.8 of Senate Bill No. 325 of this session [,] *and section 7 of this act,* at any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 26. Section 1 of Senate Bill No. 277 of this session is hereby amended to read as follows:

Section 1. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212, section 14 of Assembly Bill No. 486 of this session and section 1 of Assembly Bill No. 39 of this session, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

(m) If the child has not previously been found to be within the purview of this chapter and if the act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or violence, order the child to participate in a publicly or privately operated program of sports or physical fitness. If the court orders the child to participate in such a program, the court may order any or all of the following, in the following order of priority if practicable:

(1) The parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;

(2) The child to work on projects or perform public service pursuant to paragraph (i) for a period that reflects the costs associated with the participation of the child in the program; or

(3) The county in which the petition alleging the child to be delinquent or in need of supervision is filed to pay the costs associated with the participation of the child in the program.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. Except as otherwise provided in section 90.8 of Senate Bill No. 325 of this session and section 7 of [this act,] *Senate Bill No. 102 of this*

session, at any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 27. Section 1 of Senate Bill No. 426 of this session is hereby amended to read as follows:

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by statute, the department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377 . [or NRS 484.3795 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance.]

(2) A third or subsequent violation within 7 years of NRS 484.379.

(3) A violation of NRS 484.3795 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance.

The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required [under] *pursuant to* the laws of this state in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the department under NRS 483.010 to 483.630, inclusive, or [under]

pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484.379 and , *except as otherwise provided in subsection 3 of NRS 483.490,* the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484.379.

2. The department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege.

3. When the department is notified by a court that a person who has been convicted of violating NRS 484.379 has been permitted to enter a program of treatment pursuant to NRS 484.3794, the department shall reduce by [half] *one-half* the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The department shall revoke the license, permit or privilege of a driver who is required to install a device pursuant to NRS 484.3943 but operates a motor vehicle without such a device:

(a) For [1 year] *3 years* if it is his first such offense during the period of required use of the device.

(b) For 5 years if it is his second such offense during the period of required use of the device.

5. *A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever is applicable.*

6. When the department is notified that a court has:

(a) Pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226 or 62.228, or section 2 of Assembly Bill No. 176 of this session or section 14 of [this act,] *Assembly Bill No. 486 of this session,* ordered the suspension or delay in issuance of a child's license;

(b) Pursuant to NRS 206.330, ordered the suspension or delay in issuance of a person's license; or

(c) Pursuant to NRS 62.227, ordered the revocation of a child's license,

the department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 28. Section 2 of Senate Bill No. 426 of this session is hereby amended to read as follows:

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in [subsections 2 and 3,] *this section,* after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 and [half] *one-half of* the period during which the driver is not eligible for a license has expired, the department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle which he owns or operates pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection 2 of NRS 484.377, a violation of NRS 484.3795 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance or if he was convicted of a third violation within 7 years of NRS 484.379;

(2) After at least 90 days of the period during which he is not eligible for a license, if he was convicted of a second violation within 7 years of NRS 484.379; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a first violation within 7 years of NRS 484.379.

3. If the department has received a copy of an order requiring a person to install a device in a motor vehicle which he owns or operates pursuant to NRS 484.3943, the department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked pursuant to subsection 1 of NRS 62.227 or suspended pursuant to paragraph (h) of subsection 1 of

NRS 62.211, NRS 62.226 or 62.228, or section 2 of Assembly Bill No. 176 of this session or section 14 of [this act,] *Assembly Bill No. 486 of this session,* the department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; and

(b) If applicable, to and from school.

[3.] *5.* After a driver's license has been suspended pursuant to NRS 483.443, the department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; and

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

[4.] *6.* A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor, and if his license was suspended or revoked for a violation of NRS 484.379, 484.3795, 484.384 or a homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same conduct, he shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

[5.] *7.* The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

[6.] *8.* Whenever the department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 29. Sections 17 to 20, inclusive, of Assembly Bill No. 176 of this session and sections 97.5, 97.6, 97.62 and 97.63 of Senate Bill No. 325 of this session are hereby repealed.

Sec. 30. 1. The board of trustees of each school district shall conduct a study to determine the feasibility of establishing a policy that requires pupils to remain on the school grounds during the time that the pupils are required to be in school.

2. Not later than February 1, 1998, the board of trustees of each school district shall submit a report to the superintendent of public instruction containing its findings concerning the feasibility of such a policy.

3. Not later than October 1, 1998, the superintendent of public instruction shall submit to the legislative commission a compilation of the reports submitted by each school district pursuant to subsection 2.

Sec. 31. 1. There is hereby appropriated from the state general fund to the department of education the sum of $500,000 for distribution to each school district in this state in the proportion that the number of pupils who are enrolled in a county school district bears to the total number of pupils enrolled in all the county school districts in this state. The money must be used by a school district to support:

(a) The advisory board to review school attendance in the county created pursuant to section 4 of this act to reduce the rate of truancy of pupils in the public schools in the county.

(b) Programs to reduce the rate of truancy of pupils in the public schools in the county.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 32. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 33. 1. Except as otherwise provided in subsection 2, this act becomes effective at 12:01 a.m. on July 1, 1997.

2. Section 16 of this act becomes effective at 12:02 a.m. on July 1, 1997."

Amend the title of the bill to read as follows: "An Act relating to pupils; requiring the boards of trustees of school districts to create advisory boards to review school attendance; requiring the principal of a school to report to the appropriate local law enforcement agency the name of any pupil enrolled in the school who is a habitual truant; requiring a juvenile court to take certain actions against a pupil who is found to be a habitual truant; requiring the board of trustees of each school district to conduct a study to determine the feasibility of establishing a policy that requires pupils to remain on the school grounds during the period the pupils are required to be in school; making an appropriation; and providing other matters properly relating thereto.".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 486.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Cegavske and Chowning as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 523.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 464.

The following Senate amendment was read:

Amendment No. 1248.

Amend section 1, page 1, by deleting lines 2 through 4 and inserting: "fund to Clark County for the demolition of certain old structures and the construction and expansion of the facilities at the Spring Mountain Youth Camp the sum of $3,250,000 for the fiscal year 1997-1998.".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. There is hereby appropriated from the state general fund to Clark County for the demolition of certain old structures and the construction and expansion of the facilities at the Spring Mountain Youth Camp the sum of $3,250,000 for the fiscal year 1998-1999.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 4, page 2, by deleting line 5 and inserting:

"Sec. 5. 1. This section and sections 1, 3 and 4 of this act become effective on July 1, 1997.

2. Section 2 of this act becomes effective on July 1, 1998.".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 464.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 191, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendments of the Senate be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 24, which is attached to and hereby made a part of this report.

WENDELL P. WILLIAMS
VONNE CHOWNING
MARK AMODEI
Assembly Committee on Conference

KATHY AUGUSTINE
ANN O'CONNELL
Senate Committee on Conference

Conference Amendment No. 24.

Amend sec. 2, page 2, by deleting lines 24 and 25 and inserting:

"*(a) Adopt* a comprehensive program to [provide pupils with] *offer pupils who are enrolled in grades 7 through 12, inclusive,* the skills to make the transition from".

Amend sec. 2, page 2, by deleting lines 42 through 44 and inserting: "*equitable* opportunity to achieve high academic standards and to obtain training in occupations [that earn high wages.

(d) To strengthen and expand] *of their choice. If desired, a pupil who has chosen to receive training in an occupation may choose to receive training in another occupation of his choice, or may terminate his participation in the program, without the loss of credit, at such times as are allowed by the state board, but in no case may a pupil be required to continue with the training or participate in the program for more than one semester.*".

Assemblyman Williams moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 191.

Remarks by Assemblyman Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 387.

Bill read third time.

Remarks by Assemblyman Arberry.

Assemblyman Arberry moved that Senate Bill No. 387 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 383 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 497 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

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

Motion carried.

Assembly in recess at 3:27 a.m.

ASSEMBLY IN SESSION

At 4:39 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Senate Bill No. 168, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 353 and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 353.

The following Senate amendment was read:

Amendment No. 1251.

Amend the bill as a whole by adding a new section designated as 11.5, following sec. 11, to read as follows:

"Sec. 11.5. NRS 244.3354 is hereby amended to read as follows:

244.3354 [1.] The proceeds of the tax imposed pursuant to NRS 244.3352 and any applicable penalty or interest must be distributed as follows:

1. In a county whose population is 400,000 or more:

(a) Three-eighths of the first 1 percent of the proceeds must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) Five-eighths of the first 1 percent of the proceeds must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the board of county commissioners, to be used to advertise the resources of that county related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.

(c) The remaining proceeds must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects

established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

2. In a county whose population is less than 400,000:

(a) Three-eighths must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) Five-eighths must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the board of county commissioners, to be used to advertise the resources of that county related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.

[2. In a county whose population is 400,000 or more, the money deposited pursuant to paragraph (b) of subsection 1 may also be used in the manner authorized by NRS 244A.622.]".

Amend sec. 12, page 7, line 8, by deleting "[1.]".

Amend sec. 12, page 7, by deleting lines 11 through 30 and inserting:

"1. In a county whose population is 400,000 or more:

(a) Three-eighths of the first 1 percent of the proceeds must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) [Five-eighths of the first 1 percent of the proceeds must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the board of county commissioners, to be used to advertise the resources of that county related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.

(c)] The remaining proceeds must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

2. In a county whose population is less than 400,000:

(a) Three-eighths must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) Five-eighths must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the board of county commissioners, to be used to advertise the resources of that county related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.".

Amend the bill as a whole by adding a new section designated as 14.5, following sec. 14, to read as follows:

"Sec. 14.5. NRS 268.0962 is hereby amended to read as follows:

268.0962 [1.] The proceeds of the tax imposed pursuant to NRS 268.096 and any applicable penalty or interest must be distributed as follows:

1. In a county whose population is 400,000 or more:

(a) Three-eighths of the first 1 percent of the proceeds must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) Five-eighths of the first 1 percent of the proceeds must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the board of county commissioners, to be used to advertise the resources of that county related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.

(c) The remaining proceeds must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

2. In a county whose population is less than 400,000:

(a) Three-eighths must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) Five-eighths must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the city council or other governing body of the incorporated city, to be used to advertise the resources of that county or incorporated city related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.

[2. In a county whose population is 400,000 or more, the money deposited pursuant to paragraph (b) of subsection 1 may also be used in the manner authorized by NRS 244A.622.]".

Amend sec. 15, page 8, line 35, by deleting "[1.]".

Amend sec. 15, pages 8 and 9, by deleting lines 38 through 43 on page 8 and lines 1 through 14 on page 9 and inserting:

"1. In a county whose population is 400,000 or more:

(a) Three-eighths of the first 1 percent of the proceeds must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) [Five-eighths of the first 1 percent of the proceeds must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the board of county commissioners, to be used to advertise the resources of that county related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.

(c)] The remaining proceeds must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established

pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

2. In a county whose population is less than 400,000:

(a) Three-eighths must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

(b) Five-eighths must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the city council or other governing body of the incorporated city, to be used to advertise the resources of that county or incorporated city related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.".

Amend sec. 18, page 11, by deleting line 14 and inserting: "2. Such a special election may be held:

(a) At any time if the governing body of the".

Amend sec. 18, page 11, line 15, by deleting the period and inserting: "; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year.".

Amend sec. 18, page 11, line 21, by deleting "unexpected".

Amend sec. 31, page 17, by deleting line 41 and inserting:

"2. Sections 11, 11.5, 13, 14, 14.5, 16, 20 and 21 of this act become effective".

Amend sec. 31, page 18, by deleting line 1 and inserting:

"3. Sections 8, 12 and 15 of this act become effective on July 1, 1999.".

Amend sec. 31, page 18, line 2, after "4." by inserting: "Sections 17, 18 and 19 of this act become effective on October 1, 1997.".

Assemblywoman Evans moved that the Assembly concur in the Senate amendment to Assembly Bill No. 353.

Remarks by Assemblywoman Evans.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 291.

The following Senate amendment was read:

Amendment No. 1017.

Amend section 1, page 1, line 2, by deleting "17," and inserting "18,".

Amend sec. 7, page 2, line 36, by deleting "must specify" and inserting: "must:

(a) Specify".

Amend sec. 7, page 2, between lines 41 and 42, by inserting:

"(b) In a county whose population is 400,000 or more, provide for the cessation of the tax not later than:

(1) The last day of the month in which the department determines that the total sum collected since the tax was first imposed, exclusive of any penalties and interest, exceeds $2.3 billion; or

(2) June 30, 2025,

whichever occurs earlier.".

Amend sec. 8, page 4, by deleting lines 12 and 13 and inserting:

"1. A provision imposing a tax upon retailers at the rate of not more than:

(a) In a county whose population is 100,000 or more but less than 400,000, one-eighth of 1 percent; or

(b) In all other counties, one-quarter of 1 percent,

of the gross receipts of any retailer from the sale of ".

Amend sec. 8, page 4, by deleting lines 30 through 33 and inserting: "written contract:

(a) Entered into on or before the effective date of the tax or the increase in the tax; or

(b) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax or the increase in the tax if the bid was afterward accepted,

if under the terms of the contract or bid the contract".

Amend sec. 13, page 6, line 17, by deleting "submitted to" and inserting "filed with".

Amend sec. 13, page 6, by deleting lines 19 through 21 and inserting: "or wastewater facility.".

Amend sec. 14, page 7, by deleting lines 19 through 21 and inserting:

"(1) Projects for the management of flood plains or the prevention of floods; or

(2) Facilities relating to public safety;".

Amend sec. 14, page 7, by deleting line 34 and inserting:

"(1) Projects for the management of flood plains or the prevention of floods; or".

Amend sec. 14, page 7, line 36, after "The" by inserting: "construction or renovation of facilities for schools;

(d) The".

Amend sec. 14, page 7, by deleting lines 38 and 39 and inserting: "paragraphs (a), (b) and (c); or

(e) Any combination of those purposes.".

Amend sec. 15, page 7, line 43, by deleting: "subsection 2 or 3," and inserting "this section,".

Amend sec. 15, page 8, between lines 23 and 24, by inserting:

"4. In a county whose population is 400,000 or more, no bonds or other securities may be issued pursuant to this section which are payable from or

secured by, in whole or in part, any revenue from a tax enacted pursuant to this chapter to be collected after:

(a) The last day of the month in which the department determines that the total sum collected since the tax was first imposed, exclusive of any penalties and interest, exceeds $2.3 billion; or

(b) June 30, 2025,

whichever occurs earlier.".

Amend sec. 17, pages 8 and 9, by deleting lines 42 and 43 on page 8 and lines 1 through 20 on page 9.

Amend sec. 17, page 9, line 21, by deleting "3." and inserting "Sec. 17.".

Amend sec. 17, page 9, line 29, by deleting "(a)" and inserting "1.".

Amend sec. 17, page 9, line 32, by deleting "(b)" and inserting "2.".

Amend sec. 17, page 9, line 33, by deleting "(c)" and inserting "3.".

Amend the bill as a whole by renumbering sections 18 and 19 as sections 21 and 22 and adding new sections designated sections 18 through 20, following sec. 17, to read as follows:

"Sec. 18. If a person has not been habitually delinquent in the payment of any sales or use tax at any time within the immediately preceding 3 years, the department shall disregard the amount of any tax due pursuant to this chapter when determining the amount of any security it may require from that person for the payment of any sales or use tax.

Sec. 19. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to all other taxes imposed on the revenue from the rental of transient lodging, a board of county commissioners in a county whose population is 100,000 or more but less than 400,000 may by ordinance, but not as in a case of emergency, impose a tax at the rate of not more than 1 percent of the gross receipts from the rental of transient lodging throughout the county, including its incorporated cities, upon all persons in the business of providing lodging.

2. The ordinance imposing the tax must include all the matters required by NRS 244.3352 for the mandatory tax, must be administered in the same manner, and imposes the same liabilities, except:

(a) Collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax; and

(b) The governmental entity collecting the tax must transfer all collections to the county and may not retain any part of the tax as a collection or administrative fee.

3. The proceeds of the tax and any applicable penalty or interest must be retained by the county and used for the payment of principal and interest on notes, bonds or other obligations issued by the county to fund the

acquisition, establishment, construction or expansion of one or more railroad grade separation projects.

Sec. 20. NRS 244.3359 is hereby amended to read as follows:

244.3359 1. A county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351.

2. A county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991 [.] , *except pursuant to section 19 of this act.*

3. The legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of [an] :

(a) An increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority [.] ; *and*

(b) A new tax for the acquisition, establishment, construction or expansion of railroad grade separation projects.".

Amend the bill as a whole by renumbering sec. 20 as sec. 28 and adding new sections designated sections 23 through 27, following sec. 19, to read as follows:

"Sec. 23. The legislature hereby finds and declares that:

1. The increased use of the railroad lines in and through the urban areas of Washoe County has caused:

(a) Extensive traffic problems for the drivers of private automobiles as well as commercial vehicles who need reasonable access to these urban areas on a daily basis;

(b) Serious difficulties for emergency vehicles including fire-fighting equipment as well as ambulances which need immediate access to all portions of the county; and

(c) Economic disadvantages for businesses located in both the urban and nonurban areas of the county.

2. A general law cannot be made applicable to the problem addressed by section 24 of this act because of the economic and geographical diversity of the local governments of this state, the unique growth patterns in those local governments and the special conditions experienced in Washoe County related to the increased use of the railroad lines in and through the urban areas of the county.

Sec. 24. 1. The board of county commissioners of Washoe County may by ordinance, but not as in a case of emergency, impose a tax upon the retailers at the rate of not more than one-eighth of 1 percent of the gross

receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county if the board:

(a) Imposes a tax on the rental of transient lodging pursuant to section 19 of this act in the maximum amount allowed by that section; and

(b) Receives a written commitment from one or more other sources for the expenditure of not less than one-half of the total cost of a project for the acquisition, establishment, construction or expansion of railroad grade separation projects in Washoe County.

2. An ordinance enacted pursuant to subsection 1 may not become effective before a question concerning the imposition of the tax is approved by a two-thirds majority of the members of the board of county commissioners.

3. An ordinance enacted pursuant to subsection 1 must specify the date on which the tax must first be imposed which must occur on the first day of the first month of the next calendar quarter that is at least 60 days after the date on which a two-thirds majority of the board of county commissioners approved the question.

4. An ordinance enacted pursuant to subsection 1 must include provisions in substance as follows:

(a) Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

(b) A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this section, automatically become a part of an ordinance enacted pursuant to subsection 1.

(c) A provision stating the specific purpose for which the proceeds of the tax must be expended.

(d) A provision that the county shall contract before the effective date of the ordinance with the department of taxation to perform all functions incident to the administration or operation of the tax in the county.

(e) A provision that exempts from the tax the gross receipts from the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract:

(1) Entered into on or before the effective date of the tax; or

(2) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax if the bid was afterward accepted,

if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax.

5. No ordinance imposing a tax which is enacted pursuant to subsection 1 may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax enacted pursuant to

subsection 1 until those bonds or other obligations have been discharged in full.

6. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the county pursuant to this section must be paid to the department of taxation in the form of remittances payable to the department of taxation.

7. The department of taxation shall deposit the payments with the state treasurer for credit to the sales and use tax account in the state general fund.

8. The state controller, acting upon the collection data furnished by the department of taxation, shall monthly:

(a) Transfer from the sales and use tax account to the appropriate account in the state general fund a percentage of all fees, taxes, interest and penalties collected pursuant to this section during the preceding month as compensation to the state for the cost of collecting the taxes. The percentage to be transferred pursuant to this paragraph must be the same percentage as the percentage of proceeds transferred pursuant to paragraph (a) of subsection 3 of NRS 374.785 but the percentage must be applied to the proceeds collected pursuant to this section only.

(b) Determine for the county an amount of money equal to any fees, taxes, interest and penalties collected in or for the county pursuant to this section during the preceding month, less the amount transferred to the state general fund pursuant to paragraph (a).

(c) Transfer the amount determined for the county to the intergovernmental fund and remit the money to the county treasurer.

9. The county treasurer shall deposit the money received pursuant to subsection 8 in the county treasury for credit to a fund to be known as the railroad grade separation projects fund. The railroad grade separation projects fund must be accounted for as a separate fund and not as a part of any other fund.

10. The money in the railroad grade separation projects fund, including interest and any other income from the fund must only be expended by the board of county commissioners for the payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of the acquisition, establishment, construction or expansion of one or more railroad grade separation projects.

Sec. 25. 1. The legislative auditor shall:

(a) Conduct a performance audit of the Southern Nevada Water Authority;

(b) Prepare a final written report of the audit before January 18, 1999;

(c) Present the final written report to the senate standing committee on taxation and assembly standing committee on taxation of the 70th session of the Nevada legislature; and

(d) After presenting the final written report in accordance with paragraph (c), present the final written report to the legislative commission and the audit subcommittee of the legislative commission.

2. To the extent that the provisions of NRS 218.737 to 218.890, inclusive, are consistent with the requirements of this section, those provisions apply to the audit conducted pursuant to this section. For the purposes of this subsection, the Southern Nevada Water Authority shall be deemed to be an agency of the state.

3. Upon the request of the legislative auditor or his authorized representative, the officers and employees of each member of the Southern Nevada Water Authority shall make available to the legislative auditor any of their books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, which the legislative auditor deems necessary to conduct the audit required by this section.

4. The Southern Nevada Water Authority shall, within 6 months after the period for submission of plans pursuant to paragraph (c) of subsection 1 of NRS 218.8235, submit to the legislative auditor a report specifying the extent to which the recommendations of the legislative auditor have been carried out, the extent to which the recommendations have not been carried out and the reasons for any failure to carry out the recommendations.

Sec. 26. 1. Upon the request of the legislative auditor, the Southern Nevada Water Authority shall transfer to the audit division of the legislative counsel bureau the sum of $120,000 to carry out the provisions of section 25 of this act.

2. Any remaining balance of the sum transferred pursuant to subsection 1 must not be committed for expenditure after January 18, 1999, and must be transferred to the Southern Nevada Water Authority as soon as all payments of money committed have been made.

Sec. 27. If the Southern Nevada Water Authority receives from the state controller, pursuant to section 9 of this act, any proceeds of a tax imposed pursuant to sections 7 and 8 of this act, the Southern Nevada Water Authority shall:

1. Hold a public hearing 10 years after the date the tax was first imposed.

2. Provide notice of the time and place of the public hearing in the manner set forth in subsection 5 of section 7 of this act.

3. At the public hearing, present a report of its expenditure of the proceeds of the tax and the status of any projects for which those proceeds are being or have been expended.".

Amend the title of the bill by deleting the second and third lines and inserting: "infrastructure; authorizing Washoe County to impose a tax on the rental of transient lodging for railroad grade separation projects under certain circumstances; authorizing certain cities and the Las Vegas Valley Water

District to impose an excise tax on the use of water for water facilities; requiring the legislative auditor to conduct a performance audit of the Southern Nevada Water Authority; and providing other".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 291.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 494 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Lambert.

Assemblyman Perkins requested that Assemblywoman Lambert's remarks be entered in the Journal.

Thank you, Mr. Speaker. SB 494 is a trailer bill to 291, and my comments were the same as they were yesterday. I was also asked to read a statement into the record to clarify some of the bill. "The city will issue the bonds for the project, and through interlocal agreement with the county, may expend funds and may pledge the revenues from the county railroad grade separation fund for bond redemption."

Roll call on Senate Bill No. 494:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 15, 196, 200, 254, 319, 361, 383, 387, 393, 432, 433, 450, 470 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 15.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 927.

Amend sec. 2, page 2, line 37, by deleting "3" and inserting "[3] *4*".

Amend sec. 5, page 4, line 15, by deleting "*6:*" and inserting "*5:*".

Amend sec. 5, page 5, by deleting lines 5 through 12 and inserting: "*4. A member of the board*".

Amend sec. 5, page 5, line 22, by deleting "*6.*" and inserting "*5.*".

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Section 2 of Assembly Bill No. 240 of this session is hereby amended to read as follows:

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, and section 1 of [this act,] *Senate Bill No. 15 of this session, and section 1 of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

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

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.".

Assemblyman Perkins moved that Senate Bill No. 15 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 196.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 196:
YEAS — 37.
NAYS — Chowning, Collins, Giunchigliani, Goldwater — 4.
Excused — Freeman.
Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 200.
Bill read third time.
Remarks by Assemblywoman Von Tobel.
Roll call on Senate Bill No. 200:
YEAS — 40.
NAYS — None.
Absent — Giunchigliani.
Excused — Freeman.
Senate Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 254.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 254:
YEAS — 40.
NAYS — None.
Absent — Giunchigliani.
Excused — Freeman.
Senate Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 319.
Bill read third time.
Remarks by Assemblywoman Evans.
Roll call on Senate Bill No. 319:
YEAS — 40.
NAYS — None.
Absent — Giunchigliani.
Excused — Freeman.
Senate Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 361.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Senate Bill No. 361:
YEAS — 41.
NAYS — None.
Excused — Freeman.
Senate Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 383.
Bill read third time.
Remarks by Assemblymen Bache, Goldwater, Giunchigliani and Price.
Roll call on Senate Bill No. 383:
YEAS — 40.
NAYS — Goldwater.
Excused — Freeman.
Senate Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 387.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Senate Bill No. 387:
YEAS — 41.
NAYS — None.
Excused — Freeman.
Senate Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 393.
Bill read third time.
Remarks by Assemblywoman Buckley.
Assemblywoman Buckley moved that Senate Bill No. 393 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Senate Bill No. 432.
Bill read third time.
Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 432:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 433.

Bill read third time.

Remarks by Assemblywoman Krenzer.

Roll call on Senate Bill No. 433:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 450.

Bill read third time.

Remarks by Assemblymen Price, Bache and Lee.

Roll call on Senate Bill No. 450:

YEAS — 24.

NAYS — Anderson, Bache, Buckley, Carpenter, Close, Collins, de Braga, Giunchigliani, Koivisto, Krenzer, Lee, Marvel, Neighbors, Parks, Price, Segerblom, Williams — 17.

Excused — Freeman.

Senate Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 470.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 470:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 178, 376 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 191.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 220, 312, 316.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 525.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 147 and requests a conference, and appointed Senators Augustine, Shaffer and Rhoads as a first Committee on Conference to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 33 be taken from the Chief Clerk's desk and re-referred to the Committee on Judiciary.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 491 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Krenzer, Goldwater and Hettrick as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 147.

GENERAL FILE AND THIRD READING

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblymen Arberry and Carpenter.

Roll call on Assembly Bill No. 491:

YEAS — 22.

NAYS — Amodei, Berman, Braunlin, Buckley, Cegavske, Close, de Braga, Gustavson, Herrera, Hickey, Humke, Koivisto, Krenzer, Lambert, Lee, Manendo, Ohrenschall, Parks, Tiffany — 19.

Excused — Freeman.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 178.

The following Senate amendment was read:

Amendment No. 1266.

Amend the bill as a whole by deleting sections 1 through 14 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

"Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *For the purposes of this chapter, if an odometer that is connected to a motor vehicle is not capable of registering 100,000 miles or more, the odometer shall be deemed to register the actual mileage the vehicle has traveled while in operation.*

Sec. 3. *As used in sections 3 to 10, inclusive, of this act, unless the context otherwise requires, "drivetrain" means those components and systems within a motor vehicle that transfer power from the engine of the vehicle to the wheels of the vehicle, including, without limitation, a transmission, driveshaft, torque converter, differential, universal joint and constant velocity joint.*

Sec. 4. *Before a used vehicle dealer may sell to a retail customer a used vehicle the odometer of which registers 75,000 miles or more, the used vehicle dealer must conduct a reasonably thorough inspection of the soundness and safety of the vehicle's engine and drivetrain.*

Sec. 5. *1. Except as otherwise provided in subsection 3, a used vehicle dealer who sells to a retail customer a used vehicle the odometer of which registers 75,000 miles or more shall offer to sell to that retail customer an express written warranty which complies with the requirements set forth in subsection 2 and is valid for the period set forth in the schedule of warranties created pursuant to section 6 of this act.*

2. An express written warranty required pursuant to subsection 1 must contain a statement that, in the event the operation of the used vehicle becomes impaired as a result of a defect in a component or system of the vehicle's engine or drivetrain, the used vehicle dealer shall, with reasonable promptness, correct the defect or cause the defect to be corrected.

3. A used vehicle dealer may sell to a retail customer a used vehicle the odometer of which registers 75,000 miles or more without offering to sell to that retail customer an express warranty if, before completing the sale, the

used vehicle dealer discloses to the retail customer in writing any defects in the vehicle's engine and drivetrain of which the used vehicle dealer knows or reasonably should know after conducting the inspection required pursuant to section 4 of this act.

Sec. 6. *1. If an express written warranty is purchased by a retail customer for a used vehicle pursuant to section 5 of this act, the duration of the warranty must be determined pursuant to this section. If, on the date the vehicle was purchased from the used vehicle dealer, the odometer in the used vehicle registered:*

(a) At least 75,000 but less than 80,001 miles, the warranty is valid for a period of 30 days therefrom or until the odometer in the vehicle registers 1,000 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

(b) At least 80,001 but less than 85,001 miles, the warranty is valid for a period of 20 days therefrom or until the odometer in the vehicle registers 600 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

(c) At least 85,001 but less than 90,001 miles, the warranty is valid for a period of 10 days therefrom or until the odometer in the vehicle registers 300 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

(d) At least 90,001 but less than 100,001 miles, the warranty is valid for a period of 5 days therefrom or until the odometer in the vehicle registers 150 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

(e) At least 100,001 miles, the warranty is valid for a period of 2 days therefrom or until the odometer in the vehicle registers 100 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

The period for which a warranty is valid pursuant to this section must be tolled during any period in which the operation of the vehicle is impaired and the vehicle is in the custody of the owners of a garage for repairs as a result of a defect in the vehicle's engine or drivetrain.

2. As used in this section, "garage" has the meaning ascribed to it in NRS 597.480.

Sec. 7. *1. A retail customer who purchases a used vehicle the odometer of which registers 75,000 miles or more may submit to the department a written complaint alleging that the used vehicle dealer has violated the provisions of sections 3 to 10, inclusive, of this act or the regulations adopted by the department pursuant thereto. The department shall, within 10 days after it receives a complaint pursuant to this section, provide a copy of the complaint to the used vehicle dealer who is the subject of the complaint.*

2. A complaint submitted pursuant to subsection 1 must include:

(a) A clear and concise statement of the complaint and the facts relating to the complaint;

(b) Copies of any documents relating to the complaint; and

(c) A statement of the manner in which the retail customer wishes to have the complaint resolved.

3. Upon receipt of a complaint pursuant to this section, the department shall investigate the complaint and determine whether the used vehicle dealer who is the subject of the complaint has violated the provisions of sections 3 to 10, inclusive, of this act or the regulations adopted by the department pursuant thereto.

4. If the department determines that a used vehicle dealer has violated the provisions of sections 3 to 10, inclusive, of this act or the regulations adopted by the department pursuant thereto, the department shall notify the used vehicle dealer of that determination and recommend to the dealer the actions that he may take to resolve the complaint.

5. A retail customer or used vehicle dealer who is aggrieved by the decision of the department may appeal the decision to the director.

Sec. 8. *The department shall maintain a record of the complaints submitted to the department pursuant to section 7 of this act. The record must include a statement of whether the dealer was found to have violated the provisions of sections 3 to 10, inclusive, of this act or the regulations adopted pursuant thereto, and if so, whether the used vehicle dealer resolved the complaint in the manner recommended by the department or in any other manner acceptable to the department and the retail customer who filed the complaint.*

Sec. 9. *1. If the department determines from the record maintained pursuant to section 8 of this act that on more than three occasions a used vehicle dealer has:*

(a) Been found to have violated the provisions of section 3 to 10, inclusive, of this act or the regulations adopted pursuant thereto; and

(b) Failed to resolve those complaints in the manner recommended by the department pursuant to section 7 of this act or in any other manner acceptable to the department and the retail customer who filed the complaint,

the department may impose an administrative fine, not to exceed $2,500, for each additional violation of the provisions of sections 3 to 10, inclusive, of this act. The department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the department pursuant to subsection 1 must be deposited with the state treasurer to the credit of the account for regulation of used vehicle dealers, which is hereby created in the

state highway fund. Money in the account may be used only for the administration of NRS 481.048 and sections 3 to 10, inclusive, of this act.

3. In addition to any other remedy provided by law, the department may compel compliance with sections 3 to 10, inclusive, of this act, and any regulation adopted pursuant thereto, by injunction or other appropriate remedy, and the department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 10. *The department may adopt regulations to carry out the provisions of sections 3 to 10, inclusive, of this act.*

Sec. 11. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) *An act prohibited by sections 3 to 10, inclusive, of this act;*

(c) An act prohibited by NRS 482.351; or

[(c)] *(d)* A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive.

3. If the claimant is the prevailing party, the court shall award any damages that he has sustained.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.".

Amend the title of the bill to read as follows: "An Act relating to motor vehicles; requiring a used vehicle dealer to conduct certain inspections on certain vehicles that he sells to a retail customer; requiring a used vehicle dealer to offer to sell certain warranties for certain used vehicles that he sells to retail customers or to disclose certain defects in those vehicles; authorizing a retail customer of a used vehicle to file a complaint with the department of motor vehicles and public safety regarding a violation of those provisions; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to sale of certain used vehicles. (BDR 43-745)".

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 178.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 376.

The following Senate amendment was read:

Amendment No. 1280.

Amend the bill as a whole by deleting sections 1 through 12 and inserting:

"Secs. 1-12. (Deleted by amendment.)".

Amend sec. 15, page 5, by deleting lines 3 through 13 and inserting: "*the courses of study required for promotion to high school, which may include the credits to be earned.*

2. The board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits".

Amend sec. 17, page 5, by deleting lines 31 and 32 and inserting:

"*(c) Has not graduated from a high school;*".

Amend sec. 57, page 10, by deleting line 8.

Amend the preamble of the bill, page 1, by deleting lines 10 through 12 and inserting:

"1. Encourage the coordination of year-round schedules of elementary, middle and high schools within the same school district or attendance area;".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 376.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 5:33 a.m.

ASSEMBLY IN SESSION

At 6:34 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 168, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 113.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 444.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment No. 1246 to Senate Bill No. 39 and concurred in the Assembly amendment No. 1217 to Senate Bill No. 39.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 225.

The following Senate amendment was read:

Amendment No. 1274.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. 1. There is hereby appropriated from the state general fund to the mental hygiene and mental retardation division of the department of human resources for the position of a psychologist to perform mental health evaluations at the Washoe Detention Center:

For the fiscal year 1997-1998 ..... $44,000

For the fiscal year 1998-1999 ..... $44,000

The money appropriated by this subsection must not be distributed until an equal amount of money is provided by Washoe County for the same purpose.

2. Any balance of the appropriation made by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed for the fiscal year have been made.

Sec. 2. This act becomes effective on June 30, 1997.".

Amend the title of the bill to read as follows: "An Act making an appropriation to the mental hygiene and mental retardation division of the department of human resources for the position of a psychologist; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Makes appropriation to mental hygiene and mental retardation division of department of human resources for position of psychologist. (BDR S-1437)".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 225.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly recede from its action on Senate Bill No. 315.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 523, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 32, which is attached to and hereby made a part of this report.

CHRISTINA GIUNCHIGLIANI	RAYMOND D. RAWSON
BARBARA CEGAVSKE	LAWRENCE E. JACOBSEN
VONNE CHOWNING	BERNICE MATHEWS
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 32.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 3 through 7 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools within its district to determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Writing; and

(c) Mathematics.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 8 and 11.

(b) Administered in each school district at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) *Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.*

(d) Scored by *the department or* a single private entity that has contracted with the state board to score the examinations. [The] *If a private* entity *scores*

the examinations, it shall report the results of the examinations in the form *and by the date* required by the department.

3. *Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district.*

Not more than 10 working days after a school district receives the results of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school within the school district. Not more than 10 working days after each school receives the results of the examinations, the principal of each school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities.

[4.] *If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board.*

5. If a pupil fails to demonstrate adequate achievement on the examination administered before the completion of grade 4 or 8, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

[5.] *6.* The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading and mathematics prescribed for grades 4 and 8 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4 and 8 in this state to

that of a national reference group of pupils in grades 4 and 8. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a state officer who is a member of the executive or legislative branch to the extent that it is related to the performance of that officer's duties.

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 2. NRS 389.017 is hereby amended to read as follows:

389.017 *1.* The state board [of education] shall prescribe regulations requiring that each board of trustees of a school district submit to the superintendent of public instruction, in the form and manner prescribed by the superintendent, the results of achievement and proficiency examinations given in the 4th, 8th and 11th grades of public school pupils in the district. The state board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

2. The results of examinations administered to all pupils must be reported for each school, school district and this state as follows:

(a) The average score of pupils with disabilities for whom different standards of achievement are adopted or other modifications or accommodations are made if such reporting does not violate the confidentiality of the test scores of any individual pupil;

(b) The average score of pupils for whom different standards of achievement were not adopted or other modifications or accommodations were not made; and

(c) The average score of all pupils who were tested.

3. On or before November 1 of each year, each school district shall report to the department the following information for each examination administered in the public schools in the school district:

(a) The examination administered;

(b) The grade level or levels of pupils to whom the examination was administered;

(c) The costs incurred by the school district in administering each examination; and

(d) The purpose, if any, for which the results of the examination are used by the school district.

On or before December 1 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis

division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

4. The superintendent of schools of each school district shall certify that the number of pupils who took the examinations required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district who are required to take the examinations except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

(a) His proficiency in the English language is below the average proficiency of pupils at the same grade level; or

(b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

4. In addition to the information required by subsection 3, the superintendent of public instruction shall:

(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.".

Amend the title of the bill, first line, after "education;" by inserting: "revising provisions governing the administration and reporting of the achievement and proficiency examinations administered in the public schools;".

Amend the summary of the bill to read as follows: "Summary—Revises provisions governing achievement and proficiency examinations and extends period of authorized expenditure and revises prospective date of reversion of appropriations made during previous legislative session to pay costs relating to examinations. (BDR 34-370)".

Assemblywoman Giunchigliani moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 523.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 113, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 25, which is attached to and hereby made a part of this report.

MORSE ARBERRY, JR.	MARK A. JAMES
RICHARD PERKINS	WILLIAM RAGGIO
LYNN C. HETTRICK	ERNEST E. ADLER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 25

Amend the bill as a whole by deleting sections 1 through 3 and inserting new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. The director shall adopt, with the approval of the board, regulations establishing and governing a program, to be carried out within each facility and institution, to prevent an offender from possessing or receiving a publication which is detrimental to his rehabilitation or which has the potential to disrupt security or promote violence or disorder in the facility or institution because the subject matter of the publication:*

(a) Is sexually explicit;

(b) Is graphically violent; or

(c) Encourages or glamorizes:

(1) Crime;

(2) The activities of a criminal gang; or

(3) Violence against law enforcement, women, children or members of a particular religion, ethnic group or race.

2. The regulations must provide that if an offender is prohibited from possessing or receiving a publication pursuant to this section, the offender possessing or receiving the publication must be provided with notice of the determination and an opportunity to appeal the determination. An appeal may be summarily denied if the appeal involves a publication that is similar to a publication that previously has been prohibited.

3. The establishment of the program required pursuant to this section does not affect:

(a) The authority of the department to review materials that are possessed or received by an offender, including, but not limited to, publications, for any other lawful purpose or reason; or

(b) The procedures used by the department to conduct such reviews.

4. The department and its officers, employees and independent contractors are immune from liability for damages arising from an act or omission that allows an offender to possess or receive a publication that is prohibited pursuant to this section.

5. As used in this section:

(a) "Criminal gang" has the meaning ascribed to it in NRS 213.1263.

(b) "Publication" means a book, magazine, newsletter, bulletin, pamphlet or other similar item as determined by the director.

Sec. 3. *1. The director shall establish a program, to be carried out within each facility and institution, that provides for periodic testing of offenders for use of alcohol and controlled substances. The program must provide that the selection of offenders to be tested for use of alcohol and controlled substances must be made on a random basis.*

2. The director shall adopt, with the approval of the board, regulations governing the operation of the program. The regulations must set forth the procedure for testing, including, but not limited to:

(a) The types of tests to be used;

(b) The manner in which a sample for a test is to be obtained;

(c) The persons who are authorized to obtain a sample for a test; and

(d) The method for preserving the chain of custody of a sample obtained for a test.

3. The department shall inform the offenders in each facility and institution of the requirement to submit to a test and the sanctions for refusing or failing to submit to a test and for using alcohol or a controlled substance. The department may provide this information through a general notice posted or distributed in each facility and institution.

4. The department may sanction, pursuant to subsection 5, an offender:

(a) Who refuses or fails to submit to a test;

(b) Whose test detects alcohol or a controlled substance;

(c) Who manufactures, possesses, uses, sells, supplies, provides, distributes, conceals or stores alcohol or a controlled substance; or

(d) Who attempts to manufacture, possess, use, sell, supply, provide, distribute, conceal or store alcohol or a controlled substance.

5. In addition to any other sanction or penalty that may be imposed pursuant to law or regulation, an offender who violates subsection 4 may be sanctioned by:

(a) Forfeiture of all deductions of time earned by the offender before commission of the violation or forfeiture of such part of those deductions as the director considers just, pursuant to NRS 209.451; and

(b) Denial of the privilege to have visitors for a specified period, as determined by the director.

6. If alcohol or a controlled substance is found in a facility or institution, the director may order that for a specified period:

(a) The offenders housed in the general area where the alcohol or controlled substance is found; or

(b) All offenders in the facility or institution,

be confined to their cells or housing units or be denied the privilege to have visitors, or both.

7. The establishment of the program to test offenders for use of alcohol and controlled substances pursuant to this section does not affect:

(a) The authority of the department to test an offender for use of alcohol or a controlled substance for any other lawful purpose or reason; or

(b) The procedures used by the department to conduct such tests.

Sec. 4. NRS 209.451 is hereby amended to read as follows:

209.451 1. If [any] *an* offender:

(a) Commits [any] *an* assault upon his keeper or [any] *a* foreman, officer, offender or other person, or otherwise endangers life;

(b) Is guilty of [any] *a* flagrant disregard of the regulations of the department or of the terms and conditions of his residential confinement;

(c) Commits [any] *a* misdemeanor, gross misdemeanor or felony; or

(d) In a civil action, in state or federal court, is found by the court to have presented a pleading, written motion or other document in writing to the court which:

(1) Contains a claim or defense that is included for an improper purpose, including, without limitation, for the purpose of harassing his opponent, causing unnecessary delay in the litigation or increasing the cost of the litigation;

(2) Contains a claim, defense or other argument which is not warranted by existing law or by a reasonable argument for a change in existing law or a change in the interpretation of existing law; or

(3) Contains allegations or information presented as fact for which evidentiary support is not available or is not likely to be discovered after further investigation,

he forfeits all deductions of time earned by him before the commission of that offense or act, or forfeits such part of those deductions as the director considers just.

2. If [any] *an* offender commits a serious violation [of any] of the regulations of the department or of the terms and conditions of his residential confinement [,] *or if an offender violates subsection 4 of section 3 of this act,* he may forfeit all or part of such deductions, in the discretion of the director.

3. A forfeiture may be made only by the director after proof of the commission of an act prohibited pursuant to [subsection 1] *this section* and notice to the offender in the manner prescribed in the regulations of the department. The decision of the director regarding a forfeiture is final.

4. The director may restore credits forfeited for such reasons as he considers proper.

Sec. 5. NRS 212.187 is hereby amended to read as follows:

212.187 1. [It is unlawful for:

(a)] A prisoner who is in lawful custody or confinement [to engage voluntarily] , *other than residential confinement, and who voluntarily*

engages in sexual conduct with [a person who has custody of him or an employee of the institution in which he is confined; or

(b)] *another person is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

2. A person who [has custody of a prisoner or who is an employee of an institution in which a prisoner is confined, to engage] voluntarily *engages* in sexual conduct with a prisoner [.

2.] *who is in lawful custody or confinement, other than residential confinement, is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

3. As used in this section, " sexual [conduct means] *conduct":*

(a) Includes acts of masturbation, homosexuality, sexual intercourse or physical contact with [another's] *another person's clothed or* unclothed genitals or pubic area [.] *to arouse, appeal to or gratify the sexual desires of a person.*

(b) Does not include acts of a person who has custody of a prisoner or an employee of the institution in which the prisoner is confined that are performed to carry out the necessary duties of such a person or employee.

Sec. 6. 1. There is hereby appropriated from the state general fund to the department of prisons for carrying out the provisions of this act:

For the fiscal year 1997-1998 ..... $257,277

For the fiscal year 1998-1999 ..... $274,384

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 7. The amendatory provisions of section 5 of this act do not apply to offenses that are committed before October 1, 1997.

Sec. 8. 1. This section and section 6 of this act become effective on July 1, 1997.

2. Sections 1 to 5, inclusive, and 7 of this act become effective on October 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to offenders; requiring the director of the department of prisons to adopt regulations establishing a program to prevent an offender from possessing or receiving certain publications; providing for the random testing of offenders for use of alcohol or controlled substances; prohibiting sexual conduct between an offender and another person under certain circumstances; providing a penalty; making appropriations; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to offenders in custody or confinement and makes appropriations to carry out provisions of this act. (BDR 16-73)".

Assemblyman Arberry moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 113.

Remarks by Assemblyman Arberry.

Motion carried.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 39, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Amodei and Williams as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 39.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 312, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Lambert and Parks as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 312.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Williams moved that the Assembly do not recede from its action on Senate Bill No. 316, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Williams, Amodei and Hickey as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 316.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 6, 33, 111, 183, 252, 265, 329, 346, 465, 474, 519, 558, 586, 590, 607, 619, 625, 636, 637.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 393, 497 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 99.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 99:

YEAS — 36.

NAYS — de Braga, Evans, Giunchigliani, Goldwater, Neighbors — 5.

Excused — Freeman.

Senate Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 168:

YEAS — 32.

NAYS — Anderson, Bache, de Braga, Evans, Giunchigliani, Herrera, Koivisto, Perkins, Segerblom — 9.

Excused — Freeman.

Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 393.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Senate Bill No. 393:

YEAS — 41.

NAYS — None.

Excused — Freeman.

Senate Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 497.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 497:

YEAS — 38.

NAYS — Collins, Evans, Giunchigliani — 3.

Excused — Freeman.

Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Williams moved that the Assembly do not recede from its action on Senate Bill No. 220, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Herrera, Cegavske and Amodei as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 220.

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

Motion carried.

Assembly in recess at 6:51 a.m.

ASSEMBLY IN SESSION

At 8:08 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 308 be placed on the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 99, 194, 254, 319, 450.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Porter and Townsend as a first Committee on Conference concerning Senate Bill No. 39.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Adler and Wiener as a first Committee on Conference concerning Senate Bill No. 220.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Shaffer and Porter as a first Committee on Conference concerning Senate Bill No. 312.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, McGinness and Porter as a first Committee on Conference concerning Senate Bill No. 316.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bills Nos. 147, 523.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bills Nos. 39, 220, 312, 316.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 147, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 30, which is attached to and hereby made a part of this report.

SAUNDRA KRENZER
DAVID GOLDWATER
LYNN C. HETTRICK
Assembly Committee on Conference

KATHY AUGUSTINE
DEAN A. RHOADS
RAYMOND C. SHAFFER
Senate Committee on Conference

Conference Amendment No. 30.

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

"Sec. 2. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

The administrator shall encourage all employers who are required to establish a written safety program pursuant to NRS 618.383 to include as a part of that program the employment of a person who has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest that:

1. Included training in the operation and use of an automatic external defibrillator; and

2. Was conducted in accordance with the standards of the American Heart Association.

Sec. 3. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this state [,] who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.

2. Any person in this state who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this state, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this state, other than a driver or attendant, of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him whenever he is performing his duties in good faith.

4. Any person who is a member of a search and rescue organization in this state under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person,

whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

6. Any person who:

(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency,

and who in good faith renders cardiopulmonary resuscitation in accordance with his training or the direction, other than in the course of his regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. Any person who has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest that:

(a) Included training in the operation and use of an automatic external defibrillator; and

(b) Was conducted in accordance with the standards of the American Heart Association,

and who renders emergency medical care involving the use of an automatic external defibrillator in accordance with his training is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care. A business or organization that employs a person who renders emergency care in accordance with this subsection is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automatic external defibrillator to the person for the purpose of rendering such care.".

Amend the title of the bill to read as follows: "An Act relating to medical care; limiting the circumstances under which certain persons may communicate with the physician or chiropractor of an injured employee; requiring the administrator of the division of industrial relations of the department of business and industry to encourage employers to hire persons trained to render emergency medical care involving the use of an automatic external defibrillator; providing that certain persons who are trained to provide such care and their employers are not liable for civil damages resulting from the provision of that care under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to medical care. (BDR 3-829)".

Assemblywoman Krenzer moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 147.

Remarks by Assemblymen Krenzer and Goldwater.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 15 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 8:17 a.m.

ASSEMBLY IN SESSION

At 8:18 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 220, consisting of the undersigned members, has met, and reports that:

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

WENDELL P. WILLIAMS	MAURICE WASHINGTON
DARIO HERRERA	ERNEST E. ADLER
MARK AMODEI	VALERIE WIENER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 29.

Amend sec. 6, pages 4 and 5, by deleting lines 42 through 44 on page 4 and lines 1 through 8 on page 5.

Amend sec. 6, page 5, line 9, by deleting "*6.*" and inserting "*5.*".

Amend the bill as a whole by adding a new section designated sec. 14.5, following sec. 14, to read as follows:

"Sec. 14.5. *1. On or before April 15 of each year, the governing body of each charter school shall submit the report required pursuant to subsection 2 of NRS 385.347 to the:*

(a) Governor;

(b) State board;

(c) Department;

(d) Legislative committee on education created pursuant to section 37 of Senate Bill No. 482 of this session; and

(e) Legislative bureau of educational accountability and program evaluation created pursuant to section 41 of Senate Bill No. 482 of this session.

2. On or before April 15 of each year, the governing body of each charter school shall submit the information prepared by the governing body pursuant to paragraph (q) of subsection 2 of NRS 385.347, as amended by section 22 of Senate Bill No. 482 of this session, to the commission on educational technology created pursuant to section 27 of Senate Bill No. 482 of this session.

3. On or before June 15 of each year, the governing body of each charter school shall:

(a) Prepare:

(1) A separate written report summarizing the effectiveness of the charter school's program of accountability during the school year. The report must include:

(I) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based; and

(II) The identification of any problems or factors at the charter school that are revealed by the review and analysis.

(2) A written procedure to improve the achievement of pupils who are enrolled in the charter school, including, but not limited to, a description of the efforts the governing body has made to correct any deficiencies

identified in the written report required pursuant to subparagraph (1). The written procedure must describe sources of data that will be used by the governing body to evaluate the effectiveness of the written procedure.

(b) Submit copies of the written report and written procedure required pursuant to paragraph (a) to the:

(1) Governor;

(2) State board;

(3) Department;

(4) Legislative committee on education created pursuant to section 37 of Senate Bill No. 482 of this session; and

(5) Legislative bureau of educational accountability and program evaluation created pursuant to section 41 of Senate Bill No. 482 of this session.

4. The department shall maintain a record of the information that it receives from each charter school pursuant to this section in such a manner as will allow the department to create for each charter school a yearly profile of information.

5. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the charter school adopted pursuant to NRS 354.598.

6. The legislative bureau of educational accountability and program evaluation created pursuant to section 41 of Senate Bill No. 482 of this session may authorize a person or entity with whom it contracts pursuant to section 19 of Senate Bill No. 482 of this session to review and analyze information submitted by charter schools pursuant to this section, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to section 19 of Senate Bill No. 482 of this session.".

Amend sec. 24, page 14, by deleting lines 1 through 6.

Amend sec. 24, page 14, line 7, by deleting "*3.*" and inserting "*2.*".

Amend sec. 24, page 14, line 10, by deleting "*4.*" and inserting "*3.*".

Amend sec. 24, page 14, line 17, by deleting "*5.*" and inserting "*4.*".

Amend the bill as a whole by deleting sec. 28 and inserting a new section designated sec. 28, following sec. 27, to read as follows:

"Sec. 28. *1. On or before November 15 of each year, the governing body of each charter school shall submit to the sponsor of the charter school, the superintendent of public instruction and the director of the legislative counsel bureau for transmission to the majority leader of the senate and the speaker of the assembly a report that includes:*

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each licensed employee and nonlicensed teacher employed by the charter school on October 1 of that year:

(1) The amount of salary of the employee; and

(2) The designated assignment, as that term is defined by the department, of the employee.

(c) For each fund maintained by the charter school, including, without limitation, the general fund of the charter school and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the governing body in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the final budget of the charter school, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(d) The count of pupils who are enrolled in a charter school in:

(1) Kindergarten;

(2) Grades 1 to 12, inclusive; and

(3) Special education pursuant to NRS 388.440 to 388.520, inclusive.

(e) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(f) The proposed expenditures of the charter school for the current fiscal year.

(g) The salary schedule for licensed employees and nonlicensed teachers in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the governing body shall submit a supplemental report to the superintendent of public instruction upon completion of negotiations.

(h) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(i) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(j) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay, and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The superintendent of public instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the state distributive school account for the preceding year.".

Amend the bill as a whole by adding new sections designated sections 31.1 through 31.5, following sec. 31, to read as follows:

"Sec. 31.1. NRS 387.030 is hereby amended to read as follows:

387.030 All money derived from interest on the state permanent school fund, together with all money derived from other sources provided by law, must:

1. Be placed in the state distributive school account which is hereby created in the state general fund; and

2. Be apportioned among the several school districts *and charter schools* of [the] *this* state at the times and in the manner provided by law.

Sec. 31.3. NRS 387.040 is hereby amended to read as follows:

387.040 1. Except as otherwise provided in subsection 2, the state treasurer shall pay over all public school money received by him *for the support of school districts* only on warrants of the state controller issued upon the orders of the superintendent of public instruction in favor of county treasurers. When endorsed, the orders are valid vouchers in the hands of the state controller for the disbursement of public school money.

2. If the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, the state treasurer shall pay over to the school district all public school money due [to] the school district.

3. The state treasurer shall pay over all public school money received by him for the support of charter schools only on warrants of the state controller issued upon the orders of the superintendent of public instruction in favor of the charter schools. When endorsed, the orders are valid vouchers in the hands of the state controller for the disbursement of public school money.

Sec. 31.5. NRS 387.047 is hereby amended to read as follows:

387.047 1. Except as otherwise provided in this section, each school district *and charter school* shall separately account for all money received for the instruction of and the provision of related services to pupils with disabilities and gifted and talented pupils described by NRS 388.520.

2. The separate accounting must include:

(a) The amount of money provided to the school district *or charter school* for special education for basic support;

(b) Transfers of money from the [school district's] general fund *of the school district or charter school* needed to balance the special revenue fund; and

(c) The cost of:

(1) Instruction provided by licensed special education teachers and supporting staff;

(2) Related services, including, but not limited to, services provided by psychologists, therapists [,] and health-related personnel;

(3) Transportation of the pupils with disabilities and gifted and talented pupils to and from school;

(4) The direct supervision of educational and supporting programs; and

(5) The supplies and equipment needed for providing special education.

3. Money received from federal sources must be:

(a) Accounted for separately; and

(b) Excluded from the accounting required pursuant to this section.

Amend the bill as a whole by renumbering sec. 35 as sec. 35.5 and adding new sections designated sections 34.1 through 35.2, following sec. 34, to read as follows:

"Sec. 34.1. NRS 387.121 is hereby amended to read as follows:

387.121 The legislature declares that the proper objective of state financial aid to public education is to [insure] *ensure* each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, [the] *this* state should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. Therefore the quintessence of the state's financial obligation for such programs can be expressed in a formula partially on a per pupil basis and partially on a per program basis as: State financial aid *to school districts* equals *the difference between* school district basic support guarantee [minus] *and* local available funds produced by mandatory taxes [.] *minus all the local funds attributable to pupils who reside in the county but attend a charter school.* This formula is designated the Nevada plan.

Sec. 34.2. NRS 387.1211 is hereby amended to read as follows:

387.1211 As used in NRS 387.121 to 387.126, inclusive:

1. "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

2. "Enrollment" means the count of pupils enrolled in and scheduled to attend programs of instruction of a school district *or a charter school* at a specified time during the school year.

3. "Special education program unit" means an organized instructional unit which includes full-time services of persons licensed by the superintendent of public instruction providing a program of instruction in accordance with minimum standards prescribed by the state board.

Sec. 34.3. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which the program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated to other school districts *or charter schools* by the superintendent of public instruction. In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated [by school districts] *within counties* whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. A school district *or a charter school* may, after receiving the approval of the superintendent of public instruction, contract with any person, state agency or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive.

Sec. 34.4. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all [those] *pupils* who are enrolled in programs of instruction of the school district *or pupils who reside in the county in which the school district is located and are enrolled in any charter school* for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(e) Part-time pupils enrolled in classes and taking courses necessary to receive a high school diploma.

2. The state board [of education] shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the state board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in *subsection 4 and* NRS 388.700, the state board [of education] shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of [the] *this* state which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

If the superintendent of public instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the state board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the state board may direct him to withhold the quarterly apportionment entirely.

4. A charter school is not required to comply with the pupil-teacher ratio prescribed by the state board pursuant to subsection 3.

Sec. 34.5. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school year [.] , *including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school.*

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school year [.] , *including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school.*

(3) The count of pupils not included under subparagraph (1) or (2) who are receiving special education pursuant to the provisions of NRS 388.440 to

388.520, inclusive, on the last day of the first school month of the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(4) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school year.

(5) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school year.

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the [sum of the counts prescribed in paragraph (a) of subsection 1 is less than the sum similarly obtained for the immediately preceding school year, the larger sum must be used in computing basic support.] *enrollment of pupils on the last day of the first school month of the school year in a school district or a charter school is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month for the immediately preceding school year, the larger number must be used for purposes of apportioning money from the state distributive school account to that school district or charter school pursuant to NRS 387.124.*

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. Part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department.

Sec. 34.6. NRS 387.124 is hereby amended to read as follows:

387.124 1. On or before August 1, November 1, February 1 and May 1 of each year, the superintendent shall apportion the state distributive school account in the state general fund among the several county school districts *and charter schools* in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. [Apportionment] *The apportionment to a school district,* computed on a yearly basis , equals the difference between the basic support and the local

funds available [.] *pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school.* No apportionment may be made *to a school district* if the amount of the local funds exceeds the amount of basic support. *The apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.*

2. If the state controller finds that such an action is needed to maintain the balance in the state general fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the state controller shall submit a report to the department of administration and the fiscal analysis division of the legislative counsel bureau documenting reasons for the action.

Sec. 34.7. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and special education program units and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. A final adjustment must be computed as soon as practicable following the close of the school year, but not later than August 25. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of special education programs, except that for any year when the total enrollment of pupils and children described in paragraphs (a), (b), (c) and (d) of subsection 1 of NRS 387.123 is greater on the last day of any school month after the second school month and the increase in enrollment shows at least:

(a) A 3 percent gain, basic support as computed from first month enrollment must be increased by 2 percent.

(b) A 6 percent gain, basic support as computed from first month enrollment must be increased by an additional 2 percent.

3. If the final computation of apportionment for any school district *or charter school* exceeds the actual amount paid to the school district *or charter school* during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district *or charter school* is less than the actual amount paid to the school district *or charter school* during the school year, the difference must

be repaid to the state distributive school account in the state general fund by the school district *or charter school* before September 25.

Sec. 34.8. NRS 387.126 is hereby amended to read as follows:

387.126 The superintendent of public instruction may in his discretion and shall when so directed by the state board [of education] verify by independent audit or other suitable examination the reports of enrollment and daily attendance submitted by any school district *or charter school* for apportionment purposes.

Sec. 34.9. NRS 387.175 is hereby amended to read as follows:

387.175 The county school district fund is composed of:

1. All local taxes for the maintenance and operation of [kindergartens, elementary schools and high] *public* schools.

2. All money received from the Federal Government for the maintenance and operation of public schools.

3. Apportionments by [the] *this* state as provided in NRS 387.124.

4. Any other receipts, including gifts, for the operation and maintenance of the public schools in the county school district.

Sec. 35.1. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2, all school money due each county school district must be paid over by the state treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

2. If the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due [to] that school district must be paid over by the state treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the public school money unless that school district has complied with the provisions of this Title and regulations adopted pursuant thereto.

4. All school money due each charter school must be paid over by the state treasurer to the governing body of the charter school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

Sec. 35.2. NRS 387.205 is hereby amended to read as follows:

387.205 1. Money on deposit in the county school district fund or in a separate account, if the board of trustees of a school district has elected to establish such an account [under] *pursuant to* the provisions of NRS 354.603, must be used for:

(a) Maintenance and operation of *the* public schools [.] *controlled by the county school district.*

(b) Payment of premiums for Nevada industrial insurance.

(c) Rent of schoolhouses.

(d) Construction, furnishing or rental of teacherages, when approved by the superintendent of public instruction.

(e) Transportation of pupils, including the purchase of new buses.

(f) Programs of nutrition, if such expenditures do not curtail the established school program or make it necessary to shorten the school term, and each pupil furnished lunch whose parent or guardian is financially able so to do pays at least the actual cost of the lunch.

(g) Membership fees, dues and contributions to an interscholastic activities association.

2. Money on deposit in the county school district fund, or in a separate account, if the board of trustees of a school district has elected to establish such an account [under] *pursuant to* the provisions of NRS 354.603, when available, may be used for:

(a) Purchase of sites for school facilities.

(b) Purchase of buildings for school use.

(c) Repair and construction of buildings for school use.".

Amend the bill as a whole by adding new sections designated sections 43.1, 43.3 and 43.5, following sec. 43, to read as follows:

"Sec. 43.1. NRS 389.085 is hereby amended to read as follows:

389.085 1. The automobile driver education program is hereby established [for the purpose of assisting] *to assist* school districts *and charter schools* in this state which establish and maintain automobile driver education classes. Money for the automobile driver education program [shall] *must* be provided by direct legislative appropriation.

2. The state board [of education] may direct the superintendent of public instruction to make semiannual apportionments, payable on or before February 1 and July 1 of each year, to the several school districts [.] *and charter schools.* The semiannual apportionment made on or before February 1 [shall] *must* be made on the basis of $15 times the number of estimated pupil completions in the district *and charter schools* during the current school year, which [shall] *must* be estimated by the superintendent. The semiannual apportionment made on or before July 1 [shall] *must* be made on the basis of $35 times the actual number of pupil completions in the district *and charter schools* during the current year, less any amount previously

apportioned to the district *or charter school* for estimated pupil completions during the current school year.

3. If the money available for the automobile driver education program is not sufficient to make full current school year apportionments, [so determined under] *as determined pursuant to* subsection 2, apportionment payments to the various school districts [shall] *and charter schools must* be prorated so that each school district *and charter school* is apportioned the same amount per pupil completion, such amount to be derived by dividing the total money available by the total number of completions during the current school year.

4. Money received by school districts *and charter schools* for the automobile driver education program must not be expended for the purchase or repair of motor vehicles or the purchase or repair of automobile driver education training equipment.

Sec. 43.3. NRS 389.090 is hereby amended to read as follows:

389.090 1. The state board [of education] shall adopt regulations governing the establishment, conduct and scope of automobile driver education in the public schools of this state.

2. The aims and purposes of automobile driver education are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. The board of trustees of a school district may establish and maintain automobile driver education classes during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in the regular full-time day high schools in the school district.

(b) Pupils enrolled in summer classes conducted in high schools in the school district.

[4.]

A board of trustees maintaining courses in automobile driver education shall insure against any liability arising out of the use of motor vehicles in connection with those courses. The cost of the insurance must be paid from available school district funds.

4. A governing body of a charter school may establish and maintain automobile driver education classes if the governing body insures against any liability arising out of the use of motor vehicles in connection with those courses.

5. Automobile driver education must be provided by boards of trustees of school districts *and governing bodies of charter schools* in accordance with *the* regulations of the state board [of education] and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

6. Each course in automobile driver education provided by a board of trustees of a school district *or a governing body of a charter school* must include, without limitation, instruction in motor vehicle insurance.

Sec. 43.5. NRS 389.100 is hereby amended to read as follows:

389.100 1. The legislature finds as facts:

(a) That the successful completion of an approved automobile driver education course by a pupil offers a direct financial benefit to his parents or other responsible adult through the reduction of insurance premiums.

(b) That the imposition of a laboratory fee as a prerequisite to an elective course in driver education does not violate the requirements of article 11 of the constitution of the State of Nevada.

2. The board of trustees of any school district *and the governing body of any charter school* may establish a laboratory fee to be charged each pupil enrolling for an automobile driver education course which must not exceed the actual cost per pupil of providing the laboratory portion of the course.".

Assemblyman Williams moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 220.

Remarks by Assemblyman Williams.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Perkins, de Braga and Marvel as a committee to wait upon His Excellency, Bob Miller, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die.*

Mr. Speaker appointed Assemblymen Giunchigliani, Price and Ernaut as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die.*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 316, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 31, which is attached to and hereby made a part of this report.

WENDELL P. WILLIAMS
MARK AMODEI
PAT HICKEY
Assembly Committee on Conference

JON C PORTER
MIKE MCGINNESS
Senate Committee on Conference

Conference Amendment No. 31.

Amend sec. 4, page 4, line 13, by deleting "1997," and inserting "1998,".

Assemblyman Williams moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 316.

Remarks by Assemblyman Williams.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 39, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 34, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE	JON C. PORTER
MARK AMODEI	RANDOLPH J. TOWNSEND
WENDELL P. WILLIAMS	ANN O'CONNELL
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 34.

Amend sec. 5, page 3, line 40, by deleting "*include,*" and inserting: "*provide for, if both parties agree,*".

Assemblyman Bache moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 39.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 312, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 35, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE	
JOAN A. LAMBERT	ANN O'CONNELL
DAVID R. PARKS	JON C. PORTER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 35.

Amend sec. 3, page 2, by deleting lines 4 through 6 and inserting: "to carry out the purposes of NRS 279.382 to 279.685, inclusive.

Amend the bill as a whole by adding new sections designated sections 11.3 and 11.7, following sec. 11, to read as follows:

"Sec. 11.3. Section 43 of Assembly Bill No. 644 of this session is hereby amended to read as follows:

Sec. 43. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 4, the department shall certify monthly to the state board of examiners the amount of the basic and supplemental privilege taxes collected for each county by the department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental privilege tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.045 and 371.047.

3. The distribution of the basic privilege tax within a county must be made to local governments, as defined in NRS 354.474, except redevelopment agencies, in the same ratio as all property taxes were levied in the county in the previous fiscal year, but the State of Nevada is not entitled to share in that distribution and at least 5 percent of the basic privilege tax disbursed to a county must be deposited for credit to the county's general fund. *The 5 percent must be calculated in the same manner as the commission calculated for the department of motor vehicles and public safety.* For the purpose of this subsection, the taxes levied by each local government are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. An amount equal to any basic privilege tax distributed to a redevelopment agency in the fiscal year 1987-1988 must continue to be distributed to that agency or area as long as it exists but must not be increased.

5. Local governments, other than incorporated cities, are entitled to receive no distribution of basic privilege tax if the distribution to the local government is less than $100. Any undistributed money accrues to the county general fund of the county in which the local government is located.

6. The department shall make distributions of basic privilege tax directly to counties, county school districts and incorporated cities. Distributions for other local governments within a county must be paid to the counties for distribution to the other local governments.

Sec. 11.7. Section 48 of Assembly Bill No. 644 of this session is hereby amended to read as follows:

Sec. 48. Section 8 of chapter 590, Statutes of Nevada 1995, at page 2183, is hereby amended to read as follows:

Sec. 8. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection [4,] *5,* the department shall certify monthly to the state board of examiners the amount of the basic and supplemental privilege taxes collected

for each county by the department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental privilege tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.045.

3. The distribution of the basic privilege tax within a county must be made to local governments, as defined in NRS 354.474, except redevelopment agencies, in the same ratio as all property taxes were levied in the county in the previous fiscal year, but the State of Nevada is not entitled to share in that distribution and at least 5 percent of the basic privilege tax disbursed to a county must be deposited for credit to the county's general fund. The 5 percent must be calculated in the same manner as the commission calculated for the department of motor vehicles and public safety. For the purpose of this subsection, the taxes levied by each local government are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. *The tax rate for the fiscal year beginning on July 1, 1980, of an unincorporated town created after July 1, 1980, for which the Nevada tax commission establishes the allowed revenue from taxes ad valorem or basic ad valorem revenue pursuant to subsection 4 of NRS 354.5987 shall be deemed to be the average tax rate levied for the fiscal year beginning on July 1, 1980, by other unincorporated towns included in the same common levy authorized by NRS 269.5755 which were in existence on July 1, 1980.*

5. An amount equal to any basic privilege tax distributed to a redevelopment agency in the fiscal year 1987-1988 must continue to be distributed to that agency or area as long as it exists but must not be increased.

[5.] *6.* Local governments, other than incorporated cities, are entitled to receive no distribution of basic privilege tax if the distribution to the local government is less than $100. Any undistributed money accrues to the county general fund of the county in which the local government is located.

[6.] *7.* The department shall make distributions of basic privilege tax directly to counties, county school districts and incorporated cities. Distributions for other local governments within a county must be paid to the counties for distribution to the other local governments.".

Assemblyman Bache moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 312.

Remarks by Assemblyman Bache.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 542.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:30 a.m.

ASSEMBLY IN SESSION

At 9:33 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 178 and requests a conference, and appointed Senators O'Donnell, Jacobsen and Shaffer as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 430.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Perkins, Buckley and Ernaut as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 178.

GENERAL FILE AND THIRD READING

Senate Bill No. 308.

Bill read third time.

Remarks by Assemblymen Bache and Perkins.

Roll call on Senate Bill No. 308:

YEAS — 36.

NAYS — Bache, Collins, de Braga, Giunchigliani, Neighbors — 5.

Excused — Freeman.

Senate Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 178, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 36, which is attached to and hereby made a part of this report.

RICHARD PERKINS	WILLIAM O'DONNELL
BARBARA BUCKLEY	LAWRENCE E. JACOBSEN
PETER ERNAUT	RAYMOND C. SHAFFER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 36.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

"Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *For the purposes of this chapter, if an odometer that is connected to a motor vehicle is not capable of registering 100,000 miles or more, the odometer shall be deemed to register the actual mileage the vehicle has traveled while in operation.*

Sec. 3. *As used in sections 3 to 10, inclusive, of this act, unless the context otherwise requires, "drivetrain" means those components and systems within a motor vehicle that transfer power from the engine of the vehicle to the wheels of the vehicle, including, without limitation, a transmission, driveshaft, torque converter, differential, universal joint and constant velocity joint.*

Sec. 4. *Before a used vehicle dealer may sell to a retail customer a used vehicle the odometer of which registers 75,000 miles or more, the used vehicle dealer must conduct a reasonably thorough inspection of the soundness and safety of the vehicle's engine and drivetrain and disclose in*

writing any defects in the engine or drivetrain known to him or which he reasonably should have known after he conducts the inspection.

Sec. 5. *1. A used vehicle dealer who sells to a retail customer a used vehicle the odometer of which registers 75,000 miles or more shall provide to that retail customer an express written warranty which complies with the requirements set forth in subsection 2 and is valid for the period set forth in the schedule of warranties created pursuant to section 6 of this act, if a used vehicle dealer is the subject of more than three substantiated complaints filed against him with the department of motor vehicles and public safety during a 12-month period.*

2. An express written warranty required pursuant to subsection 1 must contain a statement that, in the event the operation of the used vehicle becomes impaired as a result of a defect in a component or system of the vehicle's engine or drivetrain, the used vehicle dealer shall, with reasonable promptness, correct the defect or cause the defect to be corrected.

Sec. 6. *1. If an express written warranty is provided to a retail customer for a used vehicle pursuant to section 5 of this act, the duration of the warranty must be determined pursuant to this section. If, on the date the vehicle was purchased from the used vehicle dealer, the odometer in the used vehicle registered:*

(a) At least 75,000 but less than 80,001 miles, the warranty is valid for a period of 30 days therefrom or until the odometer in the vehicle registers 1,000 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

(b) At least 80,001 but less than 85,001 miles, the warranty is valid for a period of 20 days therefrom or until the odometer in the vehicle registers 600 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

(c) At least 85,001 but less than 90,001 miles, the warranty is valid for a period of 10 days therefrom or until the odometer in the vehicle registers 300 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

(d) At least 90,001 but less than 100,001 miles, the warranty is valid for a period of 5 days therefrom or until the odometer in the vehicle registers 150 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

(e) At least 100,001 miles, the warranty is valid for a period of 2 days therefrom or until the odometer in the vehicle registers 100 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.

The period for which a warranty is valid pursuant to this section must be tolled during any period in which the dealer has possession of the vehicle or

the operation of the vehicle is impaired and the vehicle is inoperable due to a defect in the vehicle's engine or drivetrain.

2. As used in this section, "garage" has the meaning ascribed to it in NRS 597.480.

Sec. 7. *1. A retail customer who purchases a used vehicle the odometer of which registers 75,000 miles or more may submit to the department a written complaint regarding the used vehicle dealer. The department shall, within 10 days after it receives a complaint pursuant to this section, provide a copy of the complaint to the used vehicle dealer who is the subject of the complaint.*

2. A complaint submitted pursuant to subsection 1 must include:

(a) A clear and concise statement of the complaint and the facts relating to the complaint;

(b) Copies of any documents relating to the complaint; and

(c) A statement of the manner in which the retail customer wishes to have the complaint resolved.

3. Upon receipt of a complaint pursuant to this section, the department shall investigate the complaint and determine whether the used vehicle dealer who is the subject of the complaint has violated the provisions of sections 3 to 10, inclusive, of this act or the regulations adopted by the department pursuant thereto.

4. If the department determines that a used vehicle dealer has violated the provisions of sections 3 to 10, inclusive, of this act or the regulations adopted by the department pursuant thereto, the department shall notify the used vehicle dealer of that determination and recommend to the dealer the actions that he may take to resolve the complaint.

5. A retail customer or used vehicle dealer who is aggrieved by the decision of the department may appeal the decision to the director.

Sec. 8. *The department shall maintain a record of the complaints submitted to the department pursuant to section 7 of this act. The record must include a statement of whether the dealer was found to have violated the provisions of sections 3 to 10, inclusive, of this act or the regulations adopted pursuant thereto, and if so, whether the used vehicle dealer resolved the complaint in the manner recommended by the department or in any other manner acceptable to the department and the retail customer who filed the complaint.*

Sec. 9. *1. If the department determines from the record maintained pursuant to section 8 of this act that on more than three occasions a used vehicle dealer has:*

(a) Been found to have violated the provisions of section 3 to 10, inclusive, of this act or the regulations adopted pursuant thereto; and

(b) Failed to resolve those complaints in the manner recommended by the department pursuant to section 7 of this act or in any other manner

acceptable to the department and the retail customer who filed the complaint,

the department may impose an administrative fine, not to exceed $2,500, for each additional violation of the provisions of sections 3 to 10, inclusive, of this act. The department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the department pursuant to subsection 1 must be deposited with the state treasurer to the credit of the account for regulation of used vehicle dealers, which is hereby created in the state highway fund. Money in the account may be used only for the administration of NRS 481.048 and sections 3 to 10, inclusive, of this act.

3. In addition to any other remedy provided by law, the department may compel compliance with sections 3 to 10, inclusive, of this act, and any regulation adopted pursuant thereto, by injunction or other appropriate remedy, and the department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 10. *The department may adopt regulations to carry out the provisions of sections 3 to 10, inclusive, of this act.*

Sec. 11. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) *An act prohibited by sections 3 to 10, inclusive, of this act;*

(c) An act prohibited by NRS 482.351; or

[(c)] *(d)* A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive.

3. If the claimant is the prevailing party, the court shall award any damages that he has sustained.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.".

Amend the title of the bill to read as follows: "An Act relating to motor vehicles; requiring a used vehicle dealer to conduct certain inspections on certain vehicles that he sells to a retail customer; requiring a used vehicle dealer to offer to sell certain warranties for certain used vehicles that he sells to retail customers or to disclose certain defects in those vehicles; authorizing a retail customer of a used vehicle to file a complaint with the department of motor vehicles and public safety regarding a violation of those provisions; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises provisions relating to sale of certain used vehicles. (BDR 43-745)".

Assemblywoman Buckley moved to adopt the report of the first Committee on Conference concerning Assembly Bill No. 178.

Remarks by Assemblymen Buckley, Giunchigliani and Ernaut.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 430, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 28, which is attached to and hereby made a part of this report.

VONNE CHOWNING	WILLIAM R. O'DONNELL
MARK AMODEI	MAURICE WASHINGTON
BERNIE ANDERSON	JOSEPH M. NEAL, JR.
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 28.

Amend the bill as a whole by adding a new section designated sec. 1.9, following sec. 1.7, to read as follows:

"Sec. 1.9. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person , [for which special license plates have been issued pursuant to NRS 482.380, 482.381, 482.3812, 482.3814 or 482.3816,] a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person , [for which special license plates have been issued pursuant to NRS 482.380, 482.381, 482.3812, 482.3814 or 482.3816,] a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person , [for which special license plates have been issued pursuant to NRS 482.380, 482.381, 482.3812, 482.3814 or 482.3816,] a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the department at the time of registration the registrations of all of the cars registered to him.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.

5. For each transfer of registration , a fee of $6 in addition to any other fees.

6. To reinstate the registration of a motor vehicle suspended pursuant to NRS 485.317:

(a) A fee of $250 for a registered owner who failed to have insurance on the date specified in the form for verification that was mailed by the department pursuant to subsection 2 of NRS 485.317; or

(b) A fee of $50 for a registered owner of a dormant vehicle who canceled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first canceling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

both of which must be deposited in the account for verification of insurance which is hereby created in the state highway fund. Money in the account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of $27.

8. For every permit for the operation of a golf cart, an annual fee of $10.".

Amend sec. 6, page 7, line 10, by deleting: "Section 1 of this act becomes" and inserting: "Sections 1 and 1.9 of this act become".

Assemblywoman Chowning moved to adopt the report of the first Committee on Conference concerning Senate Bill No. 430.

Remarks by Assemblywoman Chowning.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 7, 1997

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 178.

MARY JO MONGELLI
Assistant Secretary of the Senate

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I suppose while we're waiting for these conference committee reports to come back from legal and from the printing office, it would be an appropriate time to rise and give thanks to everybody in this body for their hard work this year. I'd like to especially thank you, Mr. Speaker. It certainly has been an honor and a privilege to serve under you in these chambers in an historic session, particularly as it relates to your seventh term as Speaker.

I would like to thank all of the committee chairs for the hard work that they put in, the remainder of the Democratic caucus, the Minority Leader, the Assistant Minority Leader, and certainly all the members of the minority caucus as well.

This is always a pretty difficult time in that we've come to the end of our work, but we did it. On January 20th, we began our journey, and today we completed it. That journey, ladies and gentlemen, was the journey that our constituents sent us on, to travel to Carson City and to

do the people's business. This journey was not about us; this journey was about the citizens of the greatest state and the greatest country in the world.

What did we do along our journey? We gave many local governments, and particularly Clark County, the tools that they needed to manage growth and improve our quality of life, maintain a strong economic engine that benefits us all. We made it so tourists and others help to pay for our water delivery system and the construction of schools. We provided more assurance to our constituents that a casino would not be built in their backyard. We worked diligently to protect children from becoming victims of sexual abuse. We also passed critical legislation to curb domestic violence and to prevent elder abuse. We improved the quality of health care through managed care reform, better coverage for diabetes and digestive disorders, and protections for new mothers and their babies. We reformed our election laws, providing more disclosure about who contributes to our campaigns. And, perhaps most important, on an issue near and dear to my heart as the father of five, we passed landmark education reform, toughening standards, increasing accountability, funding technology, and continuing class-size reduction.

Mr. Speaker, I truly believe that this is the greatest state in America. We are so rich in our diversity. The maturing of our thriving urban areas and the beauty of our rural areas are unparalleled anywhere. There are so many reasons to love and be proud of Nevada: Lake Tahoe, the Ruby Mountains, the Jackpot Wilderness, western, eastern, southern, northern, rural and urban. In 1995, I recall how enamored of our state one of my instructors at the F.B.I. National Academy was. For three months, he would begin class and end class with cowboy poetry and speak of "The Gathering." I remember how proud I was to be from Nevada and how I'd heard my first cowboy poetry in these chambers from a genuine cowboy poet. Ladies and gentlemen, nothing is more true; home means Nevada.

Mr. Speaker, just as our state is blessed with diversity, so is this legislature. We are so rich in our diversity of age, race, ethnic background, careers, and political philosophy. But in spite of our differences, we share a common goal, and that is to make this state—the state we all love—a better place to live, to work, and to raise our children. I am proud, Mr. Speaker, of what we, the members of the 69th Legislature, have accomplished in the last six months. Let us now return to our homes and families knowing that, of course, there are still hills to climb, but that we have come a long way in the time that we have been here.

This is an amazing state. The charm we all take for granted is held in awe by those from larger states. The access we provide our citizens, the same access our colleague from Sparks so eloquently described as the seed of democracy, is unrivaled in any other state. The attention paid to the citizens of this state by their legislature is amazing.

Let me ask all of you this: Why are we here? What makes us want to separate ourselves from our families, let our businesses suffer, experience a financial loss, deal with the lack of thanks that sometimes comes with this job? Make no mistake about it, the sacrifices are great. Not a day goes by that I don't feel the need to hold, talk to, play with, and speak to my children. Just about 20 hours ago, I spoke to my youngest daughter on the phone. It was somewhat difficult when she asked, "Daddy, when are you coming home?" and why I had not already come home. I know of others with children and other loved ones at home. Not being able to watch a child learn to crawl, develop, cut their teeth, is very difficult to deal with.

So, we make all these sacrifices to complete this journey. Why? Why do we do that? Well, I submit to you it is because we care, that we want to make a difference, that collectively we can continue to make this the best state and the greatest country on the earth. It is an amazing journey. In the last few months, we have become a family. Like many families, we have members with different likes and dislikes, interests, wants and needs. We don't always get along. There are those that have to grab that last piece of bread or leave that last drink of milk in the carton, but we are a family. Together, ladies and gentlemen, this family completed a journey that we can all be proud of. We have done our jobs, and we have done them well.

I can still hear my daughter's voice when she asked me, "Daddy, if you're not going to do it, who will?" I know that I, along with many of you, can now go home and look at those who

trust us in the eye and know that again we have earned their trust. Ladies and gentlemen, you really all deserve a hand.

SPEAKER DINI:

Thank you, I can't let you get away without saying something. At this hour of the morning, though, I'm not very good at giving speeches. I do want to thank everyone for the hard work. I really think we had a fine house. My chairmen did a nice job, and my Majority Leader and his assistant did beautiful work. The minority party did a beautiful job in their position, and I think we did one heck of a good job for the citizens in our state.

It has been a real pleasure. This is my 16th session. Time goes on and you don't know what's going to happen, but I appreciate this session. Thank you.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 3, 5, 17, 96, 262, 286, 345, 363, 365, 394, 425, 429, 455, 466, 470, 471, 482, 494, 527, 529, 531, 541, 546, 547, 595, 608, 613, 617, 623, 628, 630, 641, 650, 663; Assembly Joint Resolution No. 5; Assembly Concurrent Resolutions Nos. 28, 57; Senate Bills Nos. 122, 235, 266, 283, 293, 368, 400, 461, 463, 464, 490; Senate Concurrent Resolution No. 46.

MOTIONS, RESOLUTIONS AND NOTICES

A committee from the Senate, consisting of Senators Augustine, McGinness and Adler, appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die.*

Assemblyman Perkins reported that the committee had informed the Governor that the Assembly was ready to adjourn *sine die.*

Assemblywoman Giunchigliani reported that the committee had informed the Senate that the Assembly was ready to adjourn *sine die.*

Assemblyman Perkins moved that the Sixty-Ninth Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die.*

Motion carried.

Assembly adjourned at 10:21 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: LINDA B. ALDEN
Chief Clerk of the Assembly

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DE BRAGA, MARCIA, Assemblywoman from Churchill, white Pine, Eureka (Part), Lander (Part) Counties, No. 35 District—
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HERRERA, DARIO, Assemblyman from Clark County, No. 16 District—
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HETTRICK, LYNN C., Assemblyman from Douglas, Carson City (Part) Counties, No. 39 District—
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HICKEY, PATRICK T. (PAT), Assemblyman from Washoe County, No. 27 District—
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KRENZER, SAUNDRA (SANDI), Assemblywoman from Clark County, No. 19 District—
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LAMBERT, JOAN A., Assemblywoman from Washoe County, No. 29 District—
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LEE, JOHN J., Assemblyman from Clark County, No. 3 District—
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MANENDO, MARK, Assemblyman from Clark County, No. 18 District—
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MINORITY FLOOR LEADER—*See Hettrick, Lynn.*

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MINORITY WHIP—*See Braunlin, Deanna.*

MINORITY WHIP, ASSISTANT—*See Cegavske, Barbara.*

MORTENSON, HARRY, Assemblyman from Clark County, No. 42 District—
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NEIGHBORS, P.M. ROY, Assemblyman from Esmeralda, Lincoln, Mineral, Nye Counties, No. 36 District—
Absences, excused, 493, 679.
Committee Appointments—
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PARKS, DAVID R., Assemblyman from Clark County, No. 41 District—
Absences, excused, 493.
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PERKINS, RICHARD D., Assemblyman from Clark County, No. 23 District—
Committee Appointments—
Conference re A.B. 178, 2700; A.B. 224, 308; S.B. 113, 2604; S.B. 128, 1162.
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Bache re A.B. 339, 749; A.B. 408, 644; A.B. 543, 1662, 1731; S.B. 216, 1030; S.B. 487, 1863.
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Humke re A.B. 118, 1424; A.B. 421, 872; S.B. 346, 1645.
Koivisto re A.B. 62, 374; A.B. 310, 823; A.B. 408, 644; A.B. 669, 2276; S.B. 216, 1030; S.B. 346, 1645.
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PRICE, ROBERT N. (BOB), Assemblyman from Clark County, No. 17 District—
Committee Appointments—
Conference re S.B. 424, 2363.
Special—
Inform Senate Assembly ready to adjourn *sine die*, 2696.
Standing—
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Taxation (chairman), 65.
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Conflict of Interest, A.B. 580, 1696.
Moves—
Adopt report of Conference Committee re S.B. 424, 2607.
Concur in Senate amendment(s) to, A.B. 17, 2340; A.B. 525, 2287; A.B. 536, 2522; A.B. 613, 2341.
Do not concur in Senate amendment(s) to, A.B. 525, 2411.
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Remarks from the floor re A.B. 291, 764; A.B. 301, 309, 310; A.C.R. 11, 1213; A.C.R. 24, 702; A.C.R. 29, 883; A.C.R. 40, 1100; A.C.R. 46, 1216; A.C.R. 50, 1534; A.C.R. 55, 1712; A.J.R. 5, 670; A.R. 7, 329; A.R. 18, 2434; S.C.R. 34, 584; S.C.R. 44, 947; S.C.R. 45, 949; S.C.R. 58, 1633; S.C.R. 59, 1690.
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SANDOVAL, BRIAN E., Assemblyman from Washoe County, No. 25 District—
Committee Appointments—
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ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

SIXTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1997

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

1

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under Speaker's supervision.

2. Possessing the powers and performing the duties described in this rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the press, radio and television, and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly or any committee thereof.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all aye and no votes, the Speaker's name shall be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker pro Tempore shall

temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538]

2

Rule No. 2. Reserved.

3

Rule No. 3. Reserved.

4

Rule No. 4. Reserved.

5

Rule No. 5. Reserved.

6

Rule No. 6. Reserved.

[Statutes of Nevada 1973, 1886; R 1985, 2315]

The next rule is 10.

II. SESSIONS AND MEETINGS

10

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857]

11

Rule No. 11. Open Meetings.

All meetings of the Assembly and its standing committees shall be open to the public.

[Statutes of Nevada 1975, 1907]

12

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

20

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the

presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

21

Rule No. 21. Reserved.

22

Rule No. 22. Reserved.

23

Rule No. 23. Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the chairman. The chairman shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

30

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the ayes and noes shall be taken when called for by three members present, and the names of those calling for the ayes and noes shall be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for ayes and noes by a division or by a roll call, either electronic or oral.

3. When taking the ayes and noes on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the ayes and noes by oral roll call, the Chief Clerk shall take the names of members alphabetically except that the Speaker shall be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The ayes and noes shall not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member, certified by the Committee on Credentials or special committee of the Assembly, may cast a vote in the Assembly. A member

shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542]

31

Rule No. 31. Reserved.

32

Rule No. 32. Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

33

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

40

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fifteen members.
2. Judiciary, fourteen members.
3. Taxation, eleven members.
4. Education, thirteen members.
5. Elections, Procedures, and Ethics, nine members.
6. Natural Resources, Agriculture, and Mining, eleven members.
7. Labor and Management, nine members.
8. Transportation, nine members.
9. Commerce, eleven members.
10. Health and Human Services, ten members.
11. Government Affairs, fourteen members.
12. Infrastructure, eleven members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712]

41

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by

the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to NRS 218.115, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543]

42

Rule No. 42. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule.

2. Motions may be moved, seconded and passed by voice vote by a simple majority of those present.

3. Definite action on a bill or resolution will require a majority of the entire committee.

4. A two-thirds majority of all the committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures which are not prefiled requires concurrence of two-thirds of the committee and does not imply commitment to support final passage.

6. The chairman shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3543]

43

Rule No. 43. Subcommittees.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544]

44

Rule No. 44. Committee on Elections, Procedures, and Ethics.

The Committee on Elections, Procedures, and Ethics has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544]

45

Rule No. 45. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections, Procedures, and Ethics. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. The Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544]

46

Rule No. 46. Committee Action on Reports.

Committee reports shall be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution shall be recorded. The vote may be taken by roll call at the discretion of the chairman.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545]

47

Rule No. 47. Committee Records.

The chairman of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there shall be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
4. The subjects or measures considered and action taken.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545]

48

Rule No. 48. Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen shall be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

[Statutes of Nevada 1973, 1904]

49

Rule No. 49. Committee Hearings.

A public hearing must be held on each bill and resolution which is referred to committee. The presence of a quorum of the committee is desirable but not required. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness. When all persons present have been heard, the chairman may declare closed the portion of the meeting wherein the committee will accept public testimony on the matter before proceeding to other matters.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546]

50

Rule No. 50. Reserved.

51

Rule No. 51. Reserved.

52

Rule No. 52. Concurrent Referrals.

When a bill or resolution is referred to two committees the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

[Statutes of Nevada 1975, 1909; A 1987, 2326; 1989, 2205]

The next rule is 60.

VI. RULES GOVERNING MOTIONS

60

Rule No. 60. Entertaining.

No motion shall be debated until the same be distinctly announced by the presiding officer; and it shall be reduced to writing, if desired by the presiding officer or any member, and be read by the Chief Clerk before the same shall be debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547]

61

Rule No. 61. Reserved.

62

Rule No. 62. Reserved.

PARTICULAR MOTIONS

63

Rule No. 63. Reserved.

64

Rule No. 64. Reserved.

65

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same shall not be considered again during the session and the question shall not be subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889]

66

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution shall not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889]

67

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

68

Rule No. 68. To Reconsider—Precedence of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of Motions and Resolutions, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session.

[Statutes of Nevada 1973, 1890]

The next rule is 80.

VII. DEBATE

80

Rule No. 80. Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

[Statutes of Nevada 1973, 1890]

81

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

90

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

[Statutes of Nevada 1973, 1890]

91

Rule No. 91. Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

[Statutes of Nevada 1973, 1890]

92

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3:

(a) All committees shall provide notice of public hearings on bills, resolutions or topics of high public importance at least 5 calendar days before such hearings.

(b) Notice for public hearings on bills, resolutions and topics not deemed by the chairmen to be of high public importance must be provided at least 24 hours before such hearings.

(c) Notice shall also be provided for all other committee meetings at least 24 hours in advance of such meetings.

Notices in all cases shall include the date, time, place and agenda to be covered and shall be posted conspicuously in the legislative building, appear in the daily history and be made available to the press. The daily history must include the most current version of the notice that is available at the time the daily history is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

[Statutes of Nevada 1975, 1915; A 1995, 2855; 1997, 3549]

93

Rule No. 93. Reserved.

94

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549]

95

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rule does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891]

96

Rule No. 96. Peddling and Soliciting.

Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto, and no part of said chamber or halls shall be used for, or occupied by signs or other devices for any kind of advertising.

[Statutes of Nevada 1973, 1891]

97

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550]

98

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

99

Rule No. 99. Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

[Statutes of Nevada 1973, 1891]

100

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly shall be as follows:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891]

101

Rule No. 101. Reserved.

[Statutes of Nevada 1987, 2327; R 1989, 2206]

102

Rule No. 102. Reserved.

103

Rule No. 103. Reserved.

B. BILLS

104

Rule No. 104. Reserved.

[Statutes of Nevada 1973, 1883; A 1973, 1911; R 1983, 2106]

105

Rule No. 105. Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

[Statutes of Nevada 1973, 1893]

106

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed. The committee, if it treats the skeleton bill favorably, shall then request the draft of a completed bill in such detail as would afford the committee the opportunity of considering the legislative ideas proposed in context with all their necessary ramifications.

[Statutes of Nevada 1973, 1893]

107

Rule No. 107. Reserved.

[Statutes of Nevada 1973, 1893; R 1985, 2316]

108

Rule No. 108. Reserved.

[Statutes of Nevada 1985, 2316; R 1987, 2327]

109

Rule No. 109. Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858]

110

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills shall be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members shall be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended shall be reprinted, engrossed, and placed on the General File, and Senate bills so amended shall be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as bills with committee amendments. Any bill so amended upon the General File shall be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

[Statutes of Nevada 1975, 1915; A 1997, 3552]

111

Rule No. 111. Consent Calendar.

1. On or before the 80th calendar day of a regular session, a standing committee may by unanimous vote of the members present report a bill with

the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. Unless postponed by motion, the consent calendar must be considered on Monday and Thursday. A bill reported on Friday to Monday, inclusive, is eligible to be considered on the following Thursday; a bill reported on Tuesday to Thursday, inclusive, is eligible to be considered on the following Monday.

4. At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he objects to the inclusion of a particular bill on the consent calendar. If a member so objects, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

5. During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

6. When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552]

112

Rule No. 112. Reserved.

113

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings shall be placed upon a General File, to be kept by the Chief Clerk. No bill shall be considered by the Assembly until the regular order of business shall have been gone through. Then bills shall be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

[Statutes of Nevada 1973, 1895; A 1997, 3553]

114

Rule No. 114. Reserved.

115

Rule No. 115. Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration shall be given on the day on which such final vote was taken by a member voting with the prevailing party. It shall not be in order for any member to move a reconsideration on the day on which such final vote was taken, except by unanimous consent. But there shall be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

[Statutes of Nevada 1973, 1895]

116

Rule No. 116. Reserved.

117

Rule No. 117. Reserved.

C. RESOLUTIONS

118

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions shall be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution shall be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895]

119

Rule No. 119. Reserved.

120

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Roll Call.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206]

121

Rule No. 121. Reserved.

122

Rule No. 122. Privileged Questions.

Privileged questions shall have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 1973, 1896]

123

Rule No. 123. Privilege of Closing Debate.

The author of a bill, resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 1973, 1896]

124

Rule No. 124. Reserved.

125

Rule No. 125. Reserved.

126

Rule No. 126. Vetoed Bills.

Bills which have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same, shall be taken up and considered immediately upon the coming in of the message transmitting the same, or shall become the subject of a special order, and when the message is received, or (if made a special order) when the special order is called, the said message or statement shall be read together with the bill or bills so disapproved or vetoed; and the message and bill shall be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or

statement containing the objections of the Governor to the bill shall be entered upon the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

[Statutes of Nevada 1973, 1896; A 1995, 2861; 1997, 3555]

127

Rule No. 127. Reserved.

128

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

140

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees shall be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897]

141

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

1

COMMITTEES OF CONFERENCE

Rule No. 1. To Be Appointed by One House at Request of the Other.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two committees of conference on any bill or resolution. A majority of the members of a committee of conference from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964]

2

MESSAGES

Rule No. 2. Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full upon the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the

Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full upon the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Clerk, who shall be announced by the doorkeeper, enter within the bar, announce and deliver his message.

[Statutes of Nevada 1931, 466]

3

BILLS

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the Secretary or Clerk of the House from which such notice is sent.

[Statutes of Nevada 1931, 410]

4

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after announcement is made of their intention to do so, sign it in open session and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656]

5

Rule No. 5. Reserved.

[Statutes of Nevada R 1979, 1964]

6

PRINTING

Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476]

7

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these joint rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections and Procedures before submission to the Legislative Counsel.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903]

8

VETOES

Rule No. 8. Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read by the Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 1920-21, 410]

9

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897]

10

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Routine Expenses or Concurrent Resolution.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956]

11

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent. If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147]

12

RECORDING COMMITTEE PROCEEDINGS ON AUDIO TAPE

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall record on audio tape the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each tape with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the tape was recorded;

(b) Keep the tapes in chronological order; and

(c) Deposit the tapes immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the tapes;

(b) Make the tapes available for listening by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person listening to any tapes and identifying the tapes listened to; and

(d) Retain the tapes for two bienniums and at the end of that period dispose of the tapes in any manner he deems reasonable.

[Statutes of Nevada 1979, 2012]

13

REAPPORTIONMENT

Rule No. 13. Responsibility for Measures and Approval of Research Requests.

The Committee on Government Affairs of the Senate and the Committee on Elections and Procedures of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these committees.

[Statutes of Nevada 1981, 2068; A 1993, 2906]

14

LIMITATION ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Introduction; Duplicative Measures; Suspension of Rule.

1. Except as otherwise provided in subsection 2, any request submitted, after a regular legislative session has convened, to the Legislative Counsel for the drafting of a bill or resolution will not be honored by the Legislative Counsel unless the request is approved by:

(a) A two-thirds vote of the members present in the House where it is to be introduced; or

(b) A standing committee of that House if the request was approved by two-thirds of all of the members of the committee before the request was submitted to the Legislative Counsel. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

2. After a regular legislative session has convened, the Legislative Counsel shall honor not more than 5 requests from each Assemblyman and not more than 10 requests from each Senator for the drafting of a bill or resolution which has not received the approval required by subsection 1.

3. After the first 10 calendar days of a regular legislative session, bills and joint resolutions may be introduced by:

(a) Standing committees without consent. A measure introduced by a standing committee at the request of a legislator or organization must indicate the legislator or organization at whose request the measure was drafted.

(b) Except as otherwise provided in subsection 4, a member who had requested the drafting of the bill or resolution by the Legislative Counsel before the 16th calendar day of the legislative session.

4. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills and joint resolutions requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills and joint resolutions requested by or on behalf of a standing committee must be introduced by that committee.

5. Simple and concurrent resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

6. If two or more measures are being considered in the same house which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is

not introduced within 5 days after introduction of a measure with a higher number.

7. A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

8. Consent to suspend this rule may be given only by the affirmative vote of a majority of the members elected to the House where it is to be introduced, which must be entered in its Journal for that day, and the consent may apply to no more than one bill or resolution or request for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; 1993, 3124; 1995, 2868; 1997, 3563]

15

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

[Statutes of Nevada 1985, 2404; A 1987, 2335]

16

TIME LIMITATIONS ON INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

Rule No. 16. Delivery of Bill Drafts Requested by State Agencies and Local Governments; Limitation on Time for Introduction.

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may not be introduced after the 15th legislative day.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may be introduced only during the 15 legislative days following delivery.

[Statutes of Nevada 1989, 2366]

17

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597]

18

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;

5. The effect the required coverage will have on the cost of health care provided in this state; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

19

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

20

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all legislators, lobbyists, legislative interns and employees of the Legislature, including supervisors and coworkers. Each member, lobbyist, legislative intern and employee of the Legislature is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. For the purposes of this rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including, but not limited to:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission,

when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

4. If a person believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly, if the complaint involves the conduct of a member, legislative intern or employee of the Assembly or a lobbyist;

(b) The Majority Leader of the Senate, if the complaint involves the conduct of a member, legislative intern or employee of the Senate or a lobbyist; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

5. Except as otherwise provided in subsection 6, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint against a member, legislative intern or employee of a certain House to a committee consisting of legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

6. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections and Procedures of the Assembly or the Committee on Legislative Affairs and Operations of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

7. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

8. If the investigation reveals that sexual harassment has occurred, the Legislature will take remedial action against the member, lobbyist, legislative intern or employee which is commensurate with the severity of the offense. The committee shall inform the complainant of any action taken against the member, lobbyist, legislative intern or employee. The Legislature will also take any action necessary to deter any future harassment.

9. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

10. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

11. Action taken by a complainant pursuant to this rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

[Statutes of Nevada 1995, 3015]

21

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its house of origin.

[Statutes of Nevada 1995, 3022]

22

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

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